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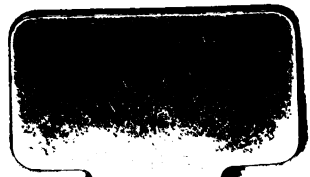
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43. 1375.



THE STATUTES
OF
THE FOURTH GENERAL COUNCIL
OF
L A T E R A N,
RECOGNIZED AND ESTABLISHED
BY SUBSEQUENT COUNCILS AND SYNODS,
DOWN TO
THE COUNCIL OF TRENT.

BY
THE REV. JOHN EVANS, M.A.



LONDON:
L. AND G. SEELEY, FLEET STREET.

MDCCCXLIII.

J. WALFORD, PRINTER, HIGH STREET, WHITCHURCH, SALOP.



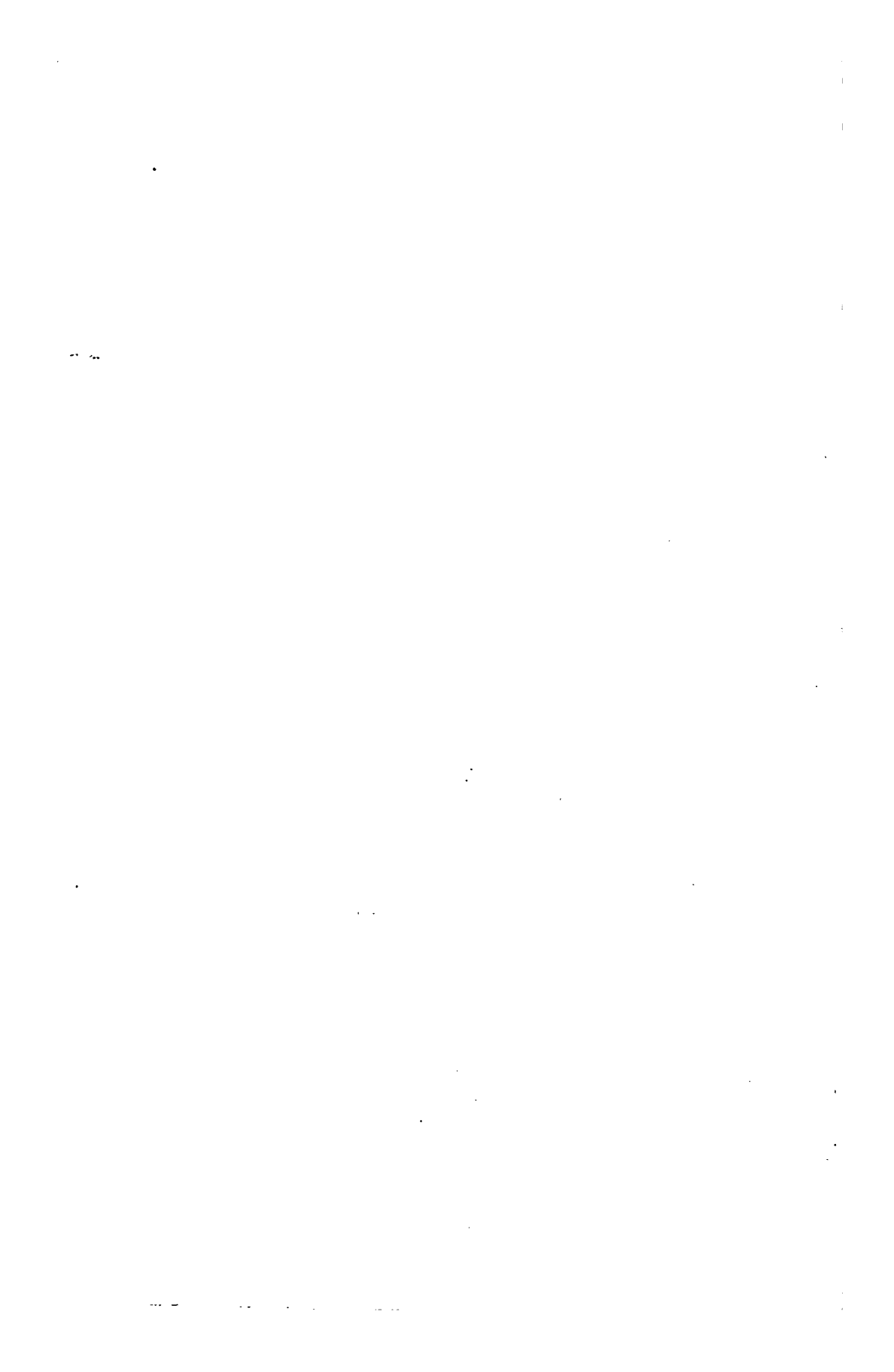
TO THE
REVEREND JOSEPH MENDHAM, M.A., M.E.H.S.

THIS HUMBLE CONTRIBUTION
TO THE CAUSE
WHICH HE HAS SO LONG,
SO DEVOTEDLY,
AND SO SUCCESSFULLY ADVOCATED,

IS RESPECTFULLY AND GRATEFULLY

INSCRIBED BY

THE AUTHOR.



CORRIGENDA.

P. 32, in the note, line 6 from the bottom, "Cap. xi" should have immediately followed "Concil: Arelatense," thus, "Concil: Arelatense cap. xi., in the second line above.

P. 35, line 13, for "cœterum" read "cæterum."

P. 39, line 4, for "concilio" read "concilii."

P. 48, line 15, for "felicos" read "felicis."

P. 57, line 14, for "præstent" read "præstent."

P. 64, in the note, for "facta" read "factæ."

P. 66, line 3, for "Fourth" read "Fifth."

P. 82, for "προστίθεμεν" read "προστίθεμεν."

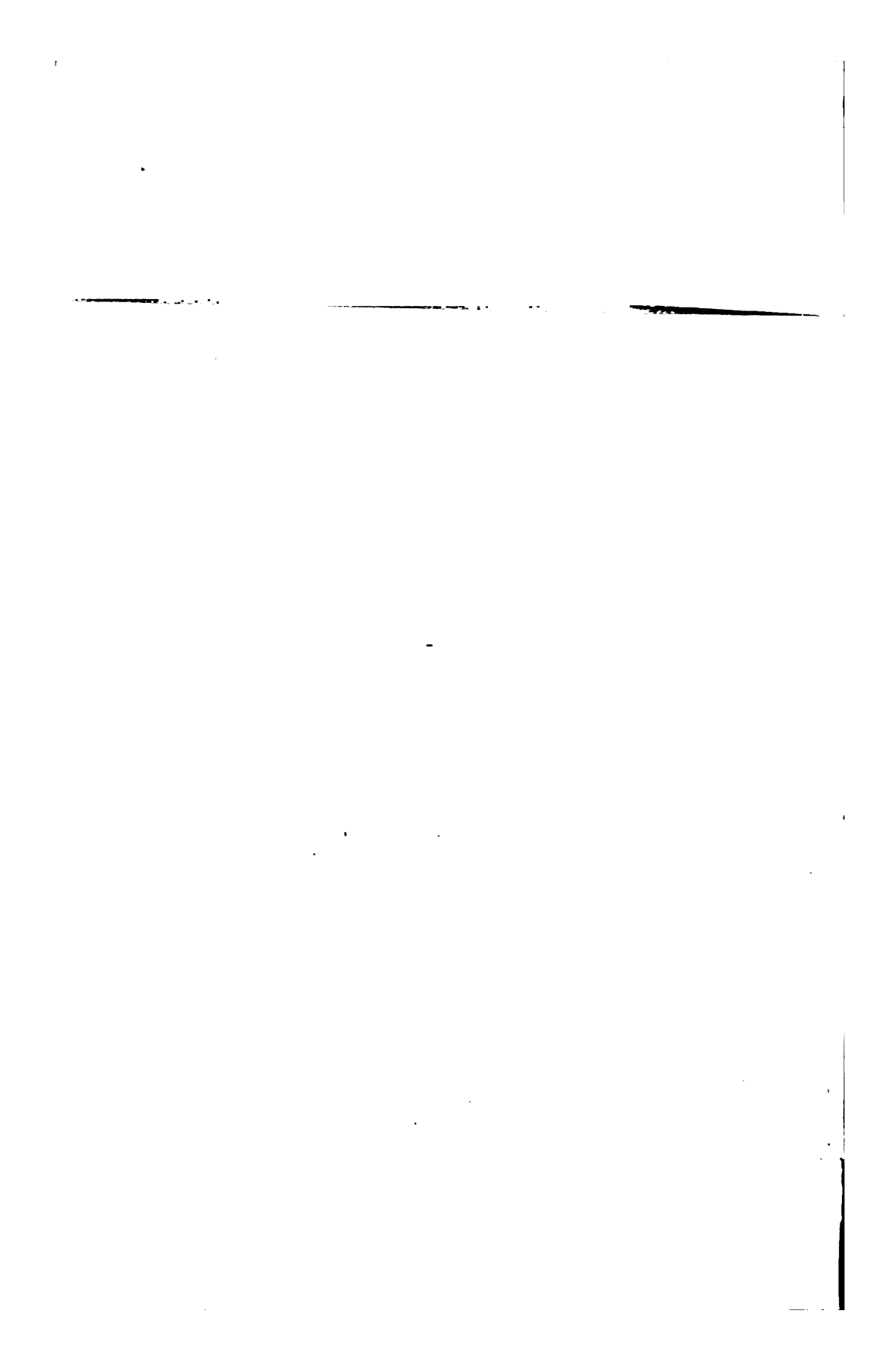
P. 83, for "η" read "ἡ."

P. 83, for "μεταστήραφωσιν" read "μεταστραφῶσιν."

P. 83, for "ποινῇ" read "ποινῇ."

P. 84, for "έκτῆς" read "έκ τῆς."

year 1223 down to the Council of Trent, which commenced its sessions in the year 1545, and which fully recognizes the Statutes in question. Such is the object of the present work, and in order to attain that object, the following method has been pursued.



P R E F A C E .

A VERY few words, it is trusted, will suffice to put the reader in possession of the object of the present work, and also of the method pursued in order to attain that object. It has been asserted, that "THE STATUTES OF THE FOURTH GENERAL COUNCIL OF LATERAN" were first published, *as such*, in the year 1538, just three hundred and twenty three years after the said Council was held; the object of the following sheets is to shew that these Statutes were well known, and *recognized*, AS "STATUTES OF THE FOURTH GENERAL COUNCIL OF LATERAN," by successive Councils and Synods, from the year 1223 down to the Council of Trent, which commenced its sessions in the year 1545, and which fully recognizes the Statutes in question. Such is the object of the present work, and in order to attain that object, the following method has been pursued.

In fairness to those who have taken a different view of the case, the witnesses, upon whose testimony they rely for proof that "the Council passed no acts at all," have been brought forward, and allowed to tell their own story; the reader will, probably, be of opinion that, instead of invalidating the authenticity and genuineness of the Statutes in question, these witnesses bear no slight testimony in their favour, and that a cross examination of their evidence was quite unnecessary. The evidence of Matthew Paris can only be made available, to discredit the Canons of the Fourth General Council of Lateran, by omitting his statement that the Canons "seemed pleasing to some, and burdensome to others" of the Fathers assembled in Council; and so also with regard to the testimony of Platina and Nauclerus, from which a very important qualification must be left out altogether; Du Pin is strongly in favour of the Canons, and Collier's evidence is as clear as evidence can be; he states, and very truly, that the Mazarine copy of the Canons is "coeval with the Council;" in which statement he is borne out by Labbé and Cossart, no incompetent judges in this matter. Collier is particularly mentioned as repudiating the THIRD CANON, and this merely on account of an unguarded expression, respecting its not being found "in the Mazarine copy;" that the expression was *un-*

guarded, the reader will easily perceive, by inspecting the Canon itself, which is given as it stands in the work of Labbé and Cossart; so far, however, was Collier from *repudiating* it, that it is one of the Canons which he selects to lay before his readers, and he is, moreover, at some pains to explain its several clauses. Rigordus, who has been mentioned as ascribing the Canons to "Innocent" rather than to the Council," says nothing about the matter at all.

The above witnesses having been allowed to give their testimony on the subject, a number of extracts are laid before the reader from various Councils and Synods, which, it is hoped, will clearly shew that these Canons were well known, as the acts of the Fourth General Council of Lateran, long before the year 1538; these extracts might have been carried to a much greater extent, but the patience of the reader would, probably, have been exhausted, nor indeed, was it necessary, for if *one* extract, from a Council or Synod previous to the year 1538, mention the said Canons, as those of the Fourth Lateran Council, the question is set at rest, as to their not having been mentioned as such before that year.

A document is mentioned by Wilkins as among the Cotton Manuscripts, and which he gives under the year 1237, of some importance, but which has not been

made use of on the present occasion, because the writer had not an opportunity of examining its claims to the antiquity assigned to it; in this document no less than twenty-nine of the Canons are cited, both by No. and by the initial words.¹

The reader's attention is particularly requested to a M. S. mentioned in p. 23, which is pronounced by competent judges to belong to the thirteenth century; it is one of those injured by the fire at Ashburnham House, in 1737, but it is legible."

Another document, of no less importance, is mentioned by Wharton, in p. 410, of his *Auctarium* to Usher's *Historiæ Dogmaticæ*, and which he describes as then existing in the Lambeth library, *and only differing from the common editions in the division of the Chapters*. Like Du Pin, he speaks of Innocent as the *author* of the Canons, but ridicules, as without any foundation, the suspicion of those who fancied that these Canons were the fraudulent addition of later hands.² Thus we find no less than *three* M. S. S. viz.

¹ "Constitutiones quædam synodales, regnante Henrico III, ut videtur, editæ. Per quem vero episcopum, quo loco vel tempore nobis pro certo non liquet. Quia autem constitutionibus Alexandri de Stavenly, Cov: et Lich: episc. annexæ sunt in M. S. Cottoniano, eodem anno hic exhibemus."—*Concil: Mag: Brit: tom i. p. 656.*

² "Innocentius author Canonum Concilii Lateranensis anno 1215, habiti vulgo habetur. Ex illis præclarum testimonium protulit Il-

the Mazarine, the Cotton M. S., (mentioned in p. 23,) and the one spoken of by Wharton, "coeval with the Council," for Wharton states that the M. S. in the Lambeth library is nearly of the same date with the Council, and, as it only differed from the editions, current in his time, in the division of the Chapters, it must contain the Third Canon; as is the case with the Mazarine copy and the Cotton M. S.

The Decrees of the Council of Trent are spoken of as very "elastic," and, truly, the reader, who has studied them will feel much disposed to acquiesce in the justice of the following remark of the Honourable and Reverend A. P. Perceval, on Chapter I. "Of the real presence of our Lord Jesus Christ, in the most holy Sacrament of the Eucharist," "they," says Mr Perceval,

lustrissimus Primas cap. v. sect. i. Eorundem Codex M.S. in Bibliotheca Lambethanâ reperitur; qui a vulgatâ editione parum discrepat, nisi in divisione capitum. Ipsi Concilio parum ætate cedit. Ut vana sit illorum suspicio; qui canones hosce recentiorum Pontificiorum fraude suppositos arbitrantur."—*Auctarium Historiæ Dogmaticæ*, p. 410, Londini, mdcclxxxix. Moreri, in his *Dictionaire Historique*, under the head "IV Concile Général De Lateran," says, "Il contient soixante et dix Chapitres, insérez la plupart dans les Décrétals de Grégoire IX." He then proceeds to describe the nature of the principal canons, and does not omit the Third "Le troisième et les suivans jusqu' au neuvième, traitent de la manière d' extirper les hérésies, defendent de prêcher sans approbation, et réglent l' Inquisition." His authorities are, *Conciles*, tom. xii., *L' Abbe d' Ursperg*, *Matthieu Paris*, *Sponde*, *Bzovius* et *Rainaldi*, in *Annal. Eccl.* A.C. 1215.

"have yet contrived to leave loopholes enough for any one, so minded, to escape from the obvious force of their definitions.¹ If the reader would wish to know how the Decrees of this celebrated Council were concocted, he cannot do better than consult *Paleotti Acta Concilii Tridentini*," (James Duncan, London: 1842,) a book which ought to have a place in the library of every scholar.

It only remains to request the reader to correct with his pen any errors of the press which may have escaped the writer's notice, at the same time it may be necessary to apprise him that he will occasionally find a difference in the spelling of certain words, even when they occur in the parallel columns, for it has been the writer's wish to give the several extracts exactly as they are found in the originals; thus, the reader will find "capsum" and "capsam" "exsequendum" and "exsequendum" "Parisius" and "Parisüs" &c. &c.² In p. 9. the notes 1, and 2, should be transposed, and

¹ *Roman Schism*, p. 372.

² "Abbat" has been adopted instead of "Abbot," as the original, and more legitimate, method of spelling the word; see Barrett's *Alvearie*, and Phillips's *New World of Words*. In the translation of Du Ranchin's *Review of the Council of Trent*, we read, "The same forme was observed in England: for in the yeere 905, King Edward, and Plegmond, Archbishop of Canterbury, assembled a great councell of Bishops, *Abbats*, and othor faithful people, in the southern parts of England, saith Matthew Westminster," p. 45.

in p. 62, the note should be connected with the reference No. 1, in p. 63; in p. 49, the words, *Constitutiones et sententiæ quæ a talibus forent promulgatæ inanes et irritæ haberentur, nullo tempore valituræ*, should be printed in Italics, to make the reference to them in p. 50, intelligible. Should any other errata be discovered, a list of them will be given; there are, however, none which can in any way affect the object of the present work.

Wherever it appeared necessary, translations have been given, so as to enable the general reader to follow the course of the argument, and in these fidelity, rather than smoothness of language, has been the aim of the writer; should the true meaning of a word have been, in any instance, mistaken, the reader cannot be led thereby into any error, as in every instance of reference to a Council, or Synod, the original is given.

Prees, Salop,
August 1st, 1843.

. It is possible that the expression "Catechism of the Council of Trent," which is employed in this work, may be objected to, on the ground that it does not correctly describe the work to which it is applied; it is, however, a literal translation of the title of an edition, in the author's possession, printed at Paris, 1831, and it is the same with the title prefixed by the Reverend J. Donovan, of Maynooth, to his trans-

lation published in 1829; such also is the title as given in the provincial Synod of Toulouse, held in the year 1590, though, strictly speaking, it would be more correctly described as "*Catechismus ex concilii Tridentini decreto*;" It appears from the "*Apparatus ad Catechismum*," prefixed to the edition of 1831, above-mentioned, that the work was generally known by the title of "*Catechismus Romanus*."

In p. 30, the Latin word "*potentes*" has been translated "*those in power*," as best according with the tenor of the Statute, and also with "*potestates*" in the Lateran Canon, referred to by the Council of Arles; at the sametime it may be proper to observe that "*potentes*" is some times employed, in the language of the thirteenth century, as opposed to "*pauperes*."

THE AUTHENTICITY
OF THE FOURTH
GENERAL COUNCIL OF LATERAN,

&c. &c.

ANY one who attentively examines the decrees of the celebrated Council of Trent, cannot fail to discover, that they are so framed as to admit of being interpreted in different ways, in one word, that they are very *elastic*. There was a deep policy in this, but as difficulties might result, even to those whom this elasticity was intended to serve, it was necessary to provide a remedy in case of emergency; accordingly we find a strict injunction¹ to "Patriarchs, Primates, Archbishops, and all others, who by right or by custom ought to be present in a provincial

¹ "Præcipit igitur sancta synodus patriarchis, primatibus, archiepiscopis, et omnibus aliis, qui de jure vel consuetudine in concilio provinciali interesse debent, ut in ipsa prima synodo provinciali, post finem præsentis concilii habenda, ea omnia et singula quæ ab hac sancta synodo definita et statuta sunt, palam recipiant; nec non veram obedientiam summo romano pontifici spondeant et profiteantur; simulque *hæreses omnes*, a sacris canonibus, et generalibus conciliis, præsertimque ab hac eadem synodo damnatas, publice detestentur et anathematizent." *Sessio XXV, Cap. II. De Reformatione.*

council, that, in the very first provincial synod to be holden after the end of this present council, they publicly receive all and singular such things as have been determined and decreed by this holy synod; and that they promise and profess true obedience to the supreme Roman Pontiff; and at the same time publicly reject and anathematize *all heresies condemned by the sacred canons, and general councils*, and especially by this same synod." By another decree,¹ "all princes" are admonished to see to "the devoted reception, and faithful observance, of those things which the Council has decreed," and, consequently, to the rejecting and anathematizing of "*all heresies condemned by the sacred canons, and general councils*," as well as by the Council of Trent. In accordance with the above-mentioned decrees of the Council of Trent, in the creed of Pope Pius IV., we find the following clause, "I also profess and undoubtedly receive all other things delivered, defined, and declared by *the sacred canons and General Councils*, and particularly by the holy council of Trent; and likewise I also condemn, reject, and anathematize all things contrary thereto, and *all heresies whatsoever* condemned, rejected, and anathematized *by the Church*;" a very sweeping and important clause! nor is its importance diminished by the recollection that whosoever *embraces* this creed is bound, *by a most solemn oath*, to observe the above, and all other clauses contained therein, and also *to compel every one*, over whom he has any influence, to observe them likewise. "This true

¹ "Superest nunc, ut principes omnes, quod facit, in Domino moneat, ad operam suam ita præstandam, ut, quæ ab ea decreta sunt, ab hæreticis depravari aut violari non permittant, sed ab his omnibus devote recipiantur, et fideliter observentur."—*Sessio XXV. De recipiendis et observandis decretis concilii.*

Catholic faith, out of which no one can be saved,¹ which I now freely profess, and truly hold, the same, entire and unviolated, most constantly (with God's assistance) to the last breath of life to retain and confess, and that, as far as in me lies, I will take care that it shall be held, taught, and preached by my subjects, or those, the care of whom falls to my office, I, the same N. promise, vow and SWEAR. So help me God, and these Holy Gospels of God." The importance of the last clause, and the effect it might have on the mind of protestant readers,² seems not to have

¹ "Hanc veram Catholicam fidem, extra quam nemo salvus esse potest, quam in præsentī sponte profiteor, et veraciter teneo, eandem integram et inviolatam, usque ad extremum vitæ spiritum constantissime (Deo adjuvante) retinere et confiteri, atque a meis subditis, vel illis quorum cura ad me in munere meo spectabit, teneri, doceri, et prædicari, quantum in me erit, curaturum, ego idem N. spondeo, voveo, ac juro. Sic me Deus adjuvet, et hæc sancta Dei evangelia."

² The sensation created by the exposure of the disingenuous suppression of this clause, is amply attested by the laboured sophistry of Charles Butler, Esq., in his vain attempts to excuse or explain it away. [See Butler's *Vindication* p.p. xxvii—xxix, and B. White's *Letter*, p.p. xvi—xxxi.] In the above-mentioned work of Challoner, the creed concludes thus, "I, N. N., do at this present, freely profess and sincerely hold this true catholic faith, without which none can be saved: and I promise most constantly to retain and confess the same entire and unviolated, with God's assistance, to the end of my life." In another little work, *The Key of Heaven*, [London, Keating and Brown, 1823.] the conclusion is given more fully, but still in a mutilated form—"This true catholic faith, out of which none can be saved, which I now freely profess and truly hold, I, N., promise, vow and SWEAR, most constantly to hold and profess the same, whole and entire, with God's assistance, to the end of my life." Here, then, we have two distinct instances of tampering with a solemn profession of Rome's faith! Why is the oath suppressed in one and given in the other? and why is the compulsory clause suppressed in *both*? If it be replied that in such a document the solemn promise of the subscriber is equivalent to an oath, then the suppression of the oath was needless, and the clause might surely have been left as

escaped the notice of some far-sighted member of the communion of Rome, and, probably, the same policy, which presided over the framing of the Tridentine decrees, dictated the "interested and dishonest curtailment" of the Creed of Pius the IV. as it stands in Dr. Challoner's *Grounds of the Catholic Religion*. Be that, however, as it may, he who subscribes to the above creed binds himself not only to the decrees of the Council of Trent, but likewise to "*all other things delivered, determined, and declared by THE SACRED CANONS, and GENERAL COUNCILS.*" Should the Church of Rome, therefore, at any time find herself hampered by the ambiguity of a Tridentine Expression, she can refer to something more definite; and Protestants, if they would know by what the Church of Rome is guided in her doctrine and discipline, must also refer to "the sacred Canons, and General Councils" by whose traditions, definitions, and declarations the subscriber to the Creed of Pius IV is bound on oath to abide.

In the course of his examination of the "Sacred Canons and Œcumenical Councils" the reader will find many things which will strike him as highly important, and, among others, his attention will be arrested by the Third Canon of the Fourth General Council of Lateran. Of

Pius IV. originally framed it; it is no compliment to his Holiness, notwithstanding, to suppose that he made an unnecessary addition. With regard to the compulsory clause, the important question is still to be answered, "Who, for what purpose, and by what authority, has curtailed the Roman Catholic Profession of Faith of most frequent use in this country?" [See B. White's *Letters*, p. 24.] It may be worth while to notice, that Romanists say it is omitted—when omitted—because *it does not concern the LAITY!* But how does this explain the discrepancies above-mentioned, and how does it answer the remainder of the enquiry?

the importance of this Canon not only Protestants, but also the champions of Rome seem to have been equally aware, and, consequently, attempts have been made of late years to invalidate the authenticity and genuineness of the said Canon,—with how much success the reader will presently be enabled to judge. Indeed so little confidence do Romanists appear to have placed in the proofs, adduced by their party, against the genuineness of the Canon in question, that, as drowning men will catch at straws, they have ventured upon the desperate step of denying the genuineness of the *whole of the Seventy Canons* passed by the Fourth General Council of Lateran, and this in the face of no less an authority than that of the Council of Trent, which treats the decrees of the Fourth Lateran Council as the VOICE OF THE CHURCH,¹ “for neither did *the Church* decree by the *Lateran Council*, that the faithful should *confess*, which she understood to be necessary and appointed ‘jure divino;’ but, that the precept of confession ‘*saltem semel in anno*’ should be fulfilled by all and each, when they had arrived at years of discretion.” The “*præceptum confessionis*” is afterwards spoken of in language that cannot be mistaken,

¹ “Manifeste refellitur inanis eorum calumnia, qui eam a divino mandato alienam, et inventum humanum esse, atque a patribus, in concilio Lateranensi congregatis, initium habuisse, docere non verentur; neque enim per Lateranense concilium *Ecclesia statuit*, ut Christi fideles confiterentur, quod jure divino necessarium et institutum esse intellexerat sed, ut *præceptum confessionis, saltem semel in anno*, ab omnibus et singulis, cum ad annos discretionis pervenissent, imple-retur.” [Sessio XIV. Cap. V.] The “*præceptum confessionis*” alluded to, is the celebrated twenty-first Canon of the Fourth General Council of Lateran, “Omnis utriusque sexus fidelis, postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter, *saltem semel in anno*,” &c.

"If any one shall say, that the confession of *all* sins, such as the church observes, is impossible, and a human tradition, to be abolished by the pious; or, that all and singular the faithful of both sexes are not bound to it, according to *the constitution of the great Lateran Council*, '*semel in anno*,' and that therefore the faithful should be persuaded not to confess in Lent: let him be accursed."¹

In the *Decretum de Reformatione Matrimonii*, [Cap. I.]² we read, "Therefore adhering to the steps of the Sacred Lateran Council, celebrated under Innocent III." Again, in Cap. V. *De Reformatione*, we find—³"and the constitution of Innocent III IN THE GENERAL COUNCIL, which begins '*Qualiter et quando*,'—and in Cap. VIII, of the following Session, *De Regularibus et monialibus*, "According to the form of the Constitu-

¹ "Si quis dixerit, confessionem omnium peccatorum qualem Ecclesia servat, esse impossibilem, et traditionem humanam, a piis abolendam; aut ad eam non teneri omnes et singulos utriusque sexus Christi fideles, juxta magni concilii Lateranensis constitutionem, semel in anno, et ob id suadendum esse Christi fidelibus, ut non confiteantur tempore quadragesimæ: anathema sit." Sessio XIV., Canon VIII., De Pœnitentia. The twenty-first Canon of the Fourth General Council of Lateran is also alluded to in very remarkable language in the ninth Canon [Sessio XIII.] "De Eucharistia." "Si quis negaverit, omnes et singulos Christi fideles utriusque sexus, cum ad annos discretionis pervenerint, teneri singulis annis, saltem in paschate, ad communicandum, *juxta præceptum sanctæ matris Ecclesiæ*: anathema sit." The "præceptum sanctæ matris Ecclesiæ" is found in the twenty-first Canon of the Fourth Lateran Council, "Suscipiens reverenter *ad minus in pascha* eucharistiæ sacramentum."—

² "Idcirco sacri lateranensis concilii, sub Innocentio III. celebrati vestigiis inhærendo—" *Sessio XIV* Cap 1 *Decretum de. ref. Mat.*

³ "Nec non et constitutio sub Innocentio III in concilio generali, quæ incipit "*Qualiter et quando*."—*Sessio XXIV. Cap. V. De Reformatione.*

tion of Innocent III, IN THE GENERAL COUNCIL, which begins 'In singulis.'"¹

The above extracts are amply sufficient to shew, that the Statutes of the Fourth General Council of Lateran are most clearly and distinctly recognized by the Council of Trent, and that too, as speaking the sense of the Church; although we are told by Dr. Doyle that the Council of Trent made no particular reference to the statutes in question!²

As the Third Canon must necessarily share the fate of the other sixty nine, should they not appear to be genuine, or, in other words, if the council passed no acts at all, it will be necessary to examine the evidence

¹ "Juxta formam constitutionis Innocentii III, in concilio generali quæ incipit "In singulis."—*Sessio XXV cap. VIII. De Reg. et Mon.*

² "As it happened, however, that there was no *special reference* made in the Council of Trent to the Council of Lateran, more than to the Gospels, to the writings of Chrysostom, or Augustine, or to the Councils of Orange or of Florence, or to any other, some of whose doctrines or decrees might have been there quoted, or referred to, or confirmed; and, above all as there was no mention made at Trent of the decree in question, the noble Lord who took the trouble of interrogating the Most Rev. Prelate, afforded to him, by a new question, an opportunity of escaping from this inconvenience, in which a want of information on these subjects would otherwise seem to have involved his Grace." [*Essay on the Catholic Claims* pp. 94—95.] The above extract from Dr. Doyle's "Essay" refers to the reply made by the Archbishop of Dublin to a question proposed to him by one of the Lords—"I think the reference to the Council of Lateran in the Council of Trent, makes the decrees of that Council binding down to the Council of Trent, and consequently still binding." His Grace was perfectly right, and there is something remarkably jesuitical in Dr. Doyle's observation, he does not say that there was "no special reference," but qualifies it with "more than to the Gospels, &c."—Did the Doctor mean to say that there was no special reference made in the Council of Trent to the Gospels? or that, from such reference as *was* made, *they* were not recognized by that Council?

adduced in support of this view of the subject, and then to contrast it with the proofs which may be brought forward on the other side; so that the reader may be able to determine to which side the weight of evidence inclines.

That such documents *existed* there is no attempt to deny; but it is contended that they were merely Constitutions of Innocent III, and not properly Statutes of Lateran; and it is most worthy of attention, that the individuals who acknowledge them as Constitutions of Innocent III, also acknowledge the genuineness of the THIRD Canon as a Constitution of Innocent III: this is most important to bear in mind, because it will necessarily follow as a consequence, that, if, whilst they admit the *whole* of these documents to have existed as Constitutions of Innocent III, good evidence can be adduced to shew that they were really passed in the Fourth General Council of Lateran, then the Third Canon will be equally established with the other sixty nine; and even Dr. Doyle does not deny that it *so* existed. It will also follow, that the attempt to deny its existence in the Mazarine copy was not only injudicious but disgraceful; for the denial of the genuineness of one Canon out of Seventy, when the whole Seventy could be shewn to be in the same predicament, was needless. The *whole*, as Constitutions of Innocent III, are admitted to be in existence; why, if the writer of the Mazarine copy, recorded the other Canons as those of Lateran, though mistakenly, should he omit the Third Canon? The writer committed no such blunder, as we shall presently see.

Let us, however, first examine the validity of the objections to the genuineness and authenticity of the

Seventy Canons which pass under the name of "The Canons of the Fourth General Lateran Council."

In an Essay by Dr. Doyle, we read, "The truth is, that the acts of this Council, or at least a great portion of them, were ascribed rather to Pope Innocent than to the Council itself. Platina ascribes them to him, so does Rigordus: his nephew, Gregory IX, does so, whilst he inserts them in his book of decretals"—most true, his nephew Gregory does so, "and with an addition which Dr. Doyle has thought prudent to omit," for his nephew, Gregory, adds the following most important words, "Innocent III. in CONCILIO GENERALI"¹ [Lib. V. Tit. VII c. 13.] It is a pity that Dr. Doyle has not informed us what "portion of them" was ascribed to Innocent, and what to the Council, for by admitting that a great portion of them was ascribed to Innocent, he, at the same time, necessarily admits that *some* portion of them was ascribed to the Council, and this admission by no means tends to make the matter clear, but brings the Dr. into collision with the Honourable and Rev. A. P. Perceval, who in his "Roman Schism"² tells us that Matthew Paris, Platina, and Naucleus as cited by Bishop Taylor³ and Du Pin, as cited by Collier, *all agree* that the seventy Canons which pass by the

¹ P. 85. ² *Decret. Greg. Papæ*, ix. Tom. ii. p. 240, Parisiis, 1687.

³ "The word [transubstantiation] did so please Innocentius III, that he inserted it into one of the Seventy Canons which he proposed to the Lateran Council, A. D. 1215, which Canons they heard read, but determined nothing concerning them, as Mathew Paris, Platina, and Naucleus, witness. But they got reputation by being inserted by Gregory IX into his Decretals, which yet he did not in the name of the Council, but of Innocentius to the Council. But the first that ever published these Canons under the name of the Lateran Council was Johannes Cochläus, A. D. 1538." (Of the Real Presence of Christ in the Holy Sacrament.) The good Bishop was anxious to

name of the Canons of the Fourth Lateran Council, *were not passed at it*: that they were all drawn up by the Pope, who read them to the Council, which determined nothing concerning them. Bishop Taylor says, that the first who published them under the name of the Lateran Council, was Johannes Cochläus, A. D. 1538."

Bishop Taylor assuredly did not mean to deceive; but it is to be regretted that he had not examined the matter more carefully before he gave an opinion which is not borne out by his witnesses, as we shall perceive by an inspection of the words of the writers to whom he refers. The words of Matthew Paris are, "*Facto prius ab ipso Papa exhortationis sermone, recitata sunt in pleno concilio capitula septuaginta, quæ aliis placabilia, aliis videbantur onerosa.*"

"An hortatory discourse having been first made by the Pope himself, seventy Chapters were recited in full Council, which seemed gratifying to some, to others burdensome."

There is nothing in the words of Matthew Paris to lead to the conclusion that the seventy Chapters, or Canons, *were not passed by the Council*, nor, that they were received in silence; for had that been the case, on what grounds could the historian state that "*aliis placabilia,*

prove the novelty of the doctrine of transubstantiation, but he needed not, for that purpose, to doubt the genuineness of the Lateran Statutes, and might, without any detriment to his object, have made a present of them to the champions of Rome; he does not seem to have been aware, that it was not unusual to cite the Canon of a Council under the name of the Pope with whom it originated, and that, in fact, by being cited in such a form it acquires the highest degree of authority which can possibly be attached to it, that of *Pope and Council*.

aliis videbantur onerosa?" How, if no opinion were expressed, could he state that a difference of opinion existed? The fact of the decrees being prepared before-hand, either by the Pope or by any other individual, does not militate against their becoming the decrees of the Council, after they were recited in a full sitting: neither does the supposed rapidity with which they were passed. That some liked them, and that others disliked them, is very probable, and the same may be said of many bills which come before the British Parliament, under similar circumstances too, as far as *previous preparation* is concerned, and which, nevertheless, become the law of the land, without being thought the worse of for having passed through the Lords and Commons *with little or no opposition*; how common too, is it to name a law after the person who has introduced it! In the case of the Council, its Canons would not carry with them the less authority because they were previously concocted by the Pope, and by him also proposed, after a solemn exhortation, to the Fathers then assembled. Let us now turn to Du Pin, and we shall find, that he has been as hastily dealt with as Matthew Paris seems to have been, and who in fact furnishes Du Pin with the authority, on which his own remarks are founded, in the very passage which has been just cited. "Afterwards he orders the reading in a full Council the Chapters or Canons upon the discipline of the Church, which were already drawn up. Matthew Paris says, that those Canons seemed tolerable to some of the Fathers, but grievous to others. His words are these 'Facto prius ab ipso Papa exhortationis sermone, recitata sunt in Pleno Concilio Capitula Septuaginta quæ aliis placabilia, aliis videbantur onerosa.' Let the case be how it will, 'tis certain, that these Canons

were not made by the Council, but by Innocent III., who presented them to the Council ready drawn up, and ordered them to be read, and that the Prelates did not enter into any debate upon them, but their silence was taken for an approbation."¹ The words of Matthew Paris, as was observed before, would rather lead us to infer that an opinion *was expressed*, and that Du Pin is not altogether correct in concluding that the Prelates entered into no debate upon them; and still more erroneous would be the supposition, that Du Pin himself intended, by the above remark, to deny that the Council adopted the said Canons; when Du Pin allowed himself to assume, "that the Prelates did not enter into any debate upon them, but their silence was taken for an approbation," he knew well that, even if the case were so, the *silence*² of the Fathers, assembled in Council, was a sufficient recognition of the Canons proposed to them by the Pope, and that the said Canons became thenceforth, to all intents and purposes, the acts of the Lateran Council; this is evident from what follows. After giving the

¹ Vol. xi. p. 95.

² In Vol. ii. of Den's Theology, (*Appendix ad Tractatum de Fide N. 82*) the sufficiency of a *tacit consent*, to establish the infallible authority of matters proposed by the Pope is fully proved, so that the evidence which proves the Canons in question to have been *made by the Pope*, and *by him proposed to the Bishops*, goes also to prove that these same Canons, by the *silence* of the Bishops, became the laws of the Roman Catholic Church. "An ad infallibilem latæ decisionis auctoritatem seu universalis Ecclesiæ definitionem requiritur consensus expressus Episcoporum?"

"I. R. Negative, sed sufficit consensus tacitus, in silentio *et non reclamazione* positus post definitionem latam, quæ sufficienter ad episcoporum notitiam pervenerit, nam tacere in hoc casu est consentire; &c."

first Canon, Du Pin thus proceeds, "In consequence of this, *the Council* condemns in the second Chapter, the treatise, &c." "In the Third Canon, *they* excommunicated and anathematized the heretics." This is not the language of an historian who *doubted* the propriety of ascribing the Canons, thus cited, to *the Council!* we have also the clearest evidence that Du Pin did not use this language inadvertently, nor unadvisedly, for we afterwards find him speaking in terms equally decisive of his view of their claim to be Canons of Lateran. He tells us that "John Baussanus, Archbishop of Arles, held a Provincial Council in the year 1234, wherein he made twenty four constitutions. In the First he orders that the Canons of the Fourth General Lateran Council shall be put in execution."¹ And again, "In the year 1246 William de Broa, Archbishop of Narbonne, held a Council of the Bishops of his Province in the Town of Beziers, wherein he made a collection of Forty-six Canons extracted out of the preceding Councils: Namely, *The Fourth General Lateran Council, &c.*"² It is very clear that Du Pin intended nothing more, by his remark respecting the Canons, than, that they were previously *made* by the Pope, and not, in the remotest degree, to deny the adoption of them by the Council, or he would not afterwards have referred to them as Statutes of Lateran.

No one, who has examined Collier's account of this Council, can for a moment suppose that *he* intended to throw a doubt upon the authenticity and genuineness of the Canons which pass under its name. "This year," (1215) says that historian, "the General Council of Lateran was

¹ Vol. xi. p. 109.

² Vol xi. p. 115.

held under Pope Innocent III; 'twas open'd in November, the Pope having some time before sent a general summons to all the Prelates in Christendom: under this denomination, Matthew Paris reckons Patriarchs, Archbishops and Bishops, Archdeacons, Deans, Abbats, Priors, Templars, and Hospitallers. There were four hundred and twelve Bishops at this Council, of which number Langton, Archbishop of Canterbury, was one; whether there were any more of the English Prelates there, is not mentioned by historians; though 'tis probable there might be four in all, it not being unusual to send that number to the Roman Synods."

"The great design of this meeting was to encourage the Crusade and send succours to the Christians in Palestine.

"The English *Church* being represented at this *Council*, I shall lay two or three of the most remarkable *Canons* before the reader."

This is not the language of an historian who *doubts* the genuineness of the Canons he is about to "lay before the reader," but rather of one, who thinks that an English reader will necessarily feel some interest in the perusal of decrees, which had received the sanction of English Prelates. It is, however, possible, that Collier's meaning may have been mistaken in the passage in which he cites the remark of Du Pin, and which it is, therefore, necessary to give in the author's own words:—"There were Seventy of these Canons in all, which being read in full Council, were disliked by several of the Fathers, as Matthew Paris reports, his words are these: 'Facto prius ab ipso Papa exhortationis sermone, recitata sunt in Pleno Concilio Capitula Septuaginta, quæ aliis placabilia, aliis videbantur onerosa.'

“ Upon this passage the learned Du Pin affirms, that 'tis certain that these Canons were not made by the Council, but by Innocent III, who presented them to the Council ready drawn up, and ordered them to be read : and that the Prelates assembled entered into no debate upon them, but that their silence was taken for an approbation.” Here is nothing more than a repetition of the passages which the reader has already been made acquainted with, and the same remarks will apply to them, when given in conjunction, as when taken separately. That Collier himself did not understand either Matthew Paris, or Du Pin, as doubting the Council's sanction of these Canons, is placed beyond dispute by the decided testimony which he has given on that point in another passage—the very passage, too, which has been adduced for the purpose of discrediting the Third Canon. His words are, “ But here it must be said, that this Chapter or Canon is not to be found in the *Mazarine copy* COEVAL WITH THE COUNCIL, but is transcribed from a later Record.” The correctness of his assertion, that, the Third Canon “ is not to be found in the *Mazarine copy*,” will presently be examined, but with respect to the antiquity of the M. S., in which the body of the Canons are found, he is fully borne out by Labbé and Cossart. However mistaken he may be as to the Third Canon, he is perfectly correct as to the antiquity of the *Mazarine copy*, and it is impossible for an historian to give a stronger or more decided testimony, with respect to the claim of the Canons as Lateran Statutes, than Collier has done, by stating that the M. S. in which they are found is “ COEVAL WITH THE COUNCIL.”

Indeed, it is upon the *antiquity* and *integrity* of the *Mazarine copy* of these Canons, that the whole force of

the inference which Dr. Doyle would draw, from Collier's mistake about the Third Canon, must depend ; for if the M.S., in which the rest of the Canons are found, were not good and sufficient authority to establish the credit of the Canons which it contains, the character of the Third Canon could not at all be affected by not being found among them ; thus the testimony adduced by Dr. Doyle, to shew that the Third Canon was of a dubious nature, fully establishes the claim of all the rest, which are found in a document "COEVAL WITH THE COUNCIL."

We now come to Naclerus, who tells us that ("In the year of our Lord 1215,") "Pope Innocent celebrated a Council or Synod in the Lateran Church at Rome, at which were present the Patriarchs of Jerusalem and Constantinople, seventy Archbishops, four hundred Bishops, twelve Abbats, eight Priors, the Greek and Roman Legates, the orators of the kings of Jerusalem, Spain, England, France, and Cyprus. Many things came indeed at that time under consultation, nor yet could any thing be *fitly* determined, because the people of Pisa and the Genoese were contending with one another by sea, and the Cisalpines (or Lombards) on land." ¹ The word "*fitly*," (*apte*) is an important qualification ; there is a wide difference between asserting that, "*nothing* could be determined,"

¹ "Anno Domini 1215, Innocentius Papa Romæ in ecclesia Lateranensi concilium sive synodum celebravit, cui interfuere Hierosolymitanus et Constantinopolitanus patriarchæ, metropolitani lxx, episcopi cccc, duodecim abbates, priores conventuarii octingenti, Græci et Romani legatus, regum vero Hierusalem, Hispaniæ, Angliæ, Franciæ, et Cypri, Oratores. Venere multa tum quidem in consultationem, nec decerni tamen quicquam *apte* potuit, quod et Pisani et Genuenses Maritimo, Cisalpinæ terrestri bello inter se certabant."—*Chronica D. Johannis Nacleri*, p. 914. *Coloniæ, M. D. LXXIX.*

and that, "nothing could be *fitly* determined; a similar qualification is also found in Platina, whose words are little more than echoed by Nauclerus; he tells us that "many things indeed at that time came under consultation, nor yet could any thing be *openly* determined; because the people of Pisa and the Genoese were contending with one another by sea, and the Cisalpines by land."¹ Indeed it is very probable that the word "apte," in Nauclerus, was copied by mistake from a contraction of "aperte;" be that, however, as it may, the qualification is equally important, and neither Platina, nor Nauclerus, can be fairly cited as witnesses, that *nothing* was determined by the Council of Lateran. If the words of Nauclerus could by any possibility be so interpreted, what are we to make of an assertion which immediately follows the passage above-cited; Editæ tunc nonnullæ constitutiones referuntur e quibus una existit, ut quoties orbis principes alter in alterum, &c."? Here he positively affirms that "*some* Con-

¹ "At Pontifex, ubi videret Saracenorum potentiam in Asia concrescere, apud Lateranum maximum concilium celebrat, cui interfuere Hierosolymitanus, Constantinopolitanus Patriarcha, metropolitan septuaginta, episcopi quadringenti, priores conventuales octingenti, at Græci et Romani imperii legati, regum vero Hierusalem, Franciæ, Hispaniæ, Angliæ, et Cypri oratores. Venère multa tum quidem in consultationem, nec decerni tamen quicquam aperte potuit, quod et Pisani et Genuenses maritimo, et Cisalpinæ terrestri bello inter se certabant."—*Historia B. Platinae de vitis Pontificum* p. 203. *Coloniæ Aggrippinæ, MDCXXVI.*

An Italian translation is cited in p. 292, of Soames's *History of the Reformation*, Vol. iv., in which the latter part of the above passage is thus carelessly rendered, "Molte cose si consultarono, *ma non se puote risolvere, ne conchiudere alcuna*; per cagione della guerra maritima ch'era frà i Genovesi, ed i Pisani e per l'altra ch'era, frà alcuni popoli della Lombardia." The qualifying word "apertamente," is here omitted.

stitutions are reported to have been put forth, of which one, &c." If the words of Nauclerus are to be taken as a proof that, "there is no reasonable ground for believing that these or *any other Canons whatever* were passed at the Council of Lateran," it must be by considering "nec decerni tunc quicquam *apte* potuit," as equivalent to "nec decerni quicquam potuit," which would at once involve him in a manifest contradiction.

The reader cannot have failed to remark, how Matthew Paris has been made to multiply himself; the authority of Du Pin is Matthew Paris, and the same may be said of Collier, who cites him from Du Pin's work with the latter's remark annexed.

To the extract from Nauclerus Mr. Perceval has appended the following observation, "If to this we add the fact that in the first collection of Councils and Canons that, namely, of Jacobus Merlin in the early part of the sixteenth century, these pretended Decrees are not to be found, we may well stand excused for rejecting them, as the African Church rejected the pretended Decrees of Sardica; in which case the Council of Trent will have the honour in being the First reputed General Council that lent its weight to this fiction." In the first part of this observation Mr. Perceval has been anticipated by Bishop Taylor, and also by Dr. Doyle, (by the latter, however, only as regards the Third Canon,) who was most triumphantly replied to by Dr. Phillpotts, now Bishop of Exeter. It is presumed, that Mr. Perceval means the collection edited by James Merlin in the year 1530; in this edition the Canons of the Fourth General Council of Lateran are not found, and for this simple reason, that the editor was not in possession of the said Canons, any more than he was of the Canons of several

other Councils, on the authenticity of which no one has presumed to throw a doubt; and, yet, the doubt would have been equally well founded in their case as in that of the Lateran Council, inasmuch as it would have rested on the same ground, namely, their not appearing in the collection of 1530; ¹ moreover, the edition published by James Merlin, does not profess to be an edition of *all* the Councils, for it is entitled, “Conciliorum quatuor Generalium Tom. I. aliorum *aliquot* conciliorum Tom. II. Col. 1530.” In the editions published by Crabbe, in 1538, 1551, and 1558 the Canons are duly given. ²

At the end of the second volume of 1538, is an address to the reader by Orthuinus Gratius, stating that the former collection was very carelessly edited, that almost all things in it were corrupted, and no method nor order observed, “but,” he proceeds, “in this collection every thing is complete and drawn from the most ancient, and what is especially worthy of note, approved copies. Read therefore, again and again, these volumes in which you will find many Councils of the ancients which to this day the greatest and most learned men have been unable to procure.” Accordingly an index is given at the beginning of the first volume, of the additions made in this collection to the Councils before published, and among them is the following: “The decrees of the Laterane Council.” Then follows a list of places and persons, who have contributed

¹ In an edition of Merlin's collection in 1535, now in the possession of a gentleman whose name is not unknown to the literary world, the Rev. Joseph Mendham, of Sutton Coldfield, all the Councils are omitted between the Council of Constantinople, in the ninth century, and the Council of Constance, in the fifteenth!

² See Dr. Phillpotts's *Supplemental Letter to Chas. Butler Esq.*

the oldest copies of Councils, concluding thus, "lastly, the commendation of myself and all good men is due to John Cochlæus, that indefatigable defender of the Catholic Church, who sent from Misna to me at Cologne, among many others, the Council of Laterane, the want of which was a subject of regret to men of the greatest learning and virtue."

Thus it was that the decrees of the Fourth General Council, of Lateran did not appear in Merlin's edition of 1530, and, surely, the circumstance of the Canons being sent *as such* by such a man as Cochlæus, and their reception by the editor, instead of invalidating their claim, in fact furnishes us with the testimony of two additional, and very competent, witnesses in their favour. Is it likely that Cochlæus would send to Crabbe the constitutions of Innocent as the Statutes of the Fourth General Council of Lateran, if there had existed any doubt upon the subject? Was it likely that "men of the greatest learning and virtue" would regret the want of decrees which they had reason to suppose never were in existence? With regard to the latter part of Mr. Perceval's observation, respecting the recognition of these Canons by the Council of Trent, it may be remarked, that there is no reason for believing, in this instance at least, that the Council "lent its weight to a fiction." To the Fathers assembled at Trent, it mattered not, whether they had to deal with Canons of Lateran, or with Constitutions of Innocent III, as, in either case, the said Canons, or Constitutions, would go forth to the world in a shape equally binding, to all future time, upon every member of the Church of Rome. ¹

¹ For example, *Sessio XXI, De Reformatione*, Cap. IV.—"Juxta formam Constitutionis Alexandri III, quæ incipit, *ad audientiam*."

Why the Tridentine Fathers should have recourse to "a fiction," when truth would serve their purpose as well, is not easy to imagine; much less can we suppose that *provincial*, or *Diocesan*, Councils, and even *individuals*, would venture upon so bold and discreditable a proceeding—a proceeding which must necessarily defeat the very object for which an appeal was made to such documents. The only object which minor Councils and individuals could possibly have in view in making such an appeal, would be, to seek all the sanction which a higher authority than their own could give to their proceedings; the more they stood in need of such a sanction, the greater would be the risk of entirely defeating their purpose by adopting "a fiction;" and it would have been highly impolitic to cite, as a Statute of Lateran, a mere Constitution of Innocent III, when his name would have carried with it all the sanction they needed, or wished, and that too at a time when the matter was too recent to admit of an imposition with impunity; more especially when the authority, thus appealed to, was intended to coerce persons fully adequate to decide upon its weight and value: and yet, if the Canons in question were not really passed at the Fourth General Council of Lateran, the Bishop of Sarum was so impolitic, to say nothing worse, as to place himself in this predicament, and that within eight years afterwards. The Fourth General Council of Lateran was held in the year 1215, and in the year 1223, Richard Poore, Bishop of Sarum, put forth certain Constitutions, in which he refers to the Canons of the Fourth Lateran Council, in a manner which does not admit of a doubt, nor the shadow of a doubt; if in so doing he had recourse to "a fiction," his impolitic conduct was imitated both in

England and in France, as the reader will perceive from the extracts about to be laid before him.¹

The testimony of Rigordus will not detain the reader long, and for this simple reason, Rigordus does not say ONE WORD ABOUT THE CANONS IN QUESTION!²

¹ It is not impossible that this attempt to discredit the Lateran Canons may have had its origin in the blunder of an editor of the Works of Innocent the III, who attributed them to Innocent instead of to the Council; this blunder is noticed by Raynaldi, the Italian Continuator of Baronius, who, after giving the words of the editor, adds, "so far he, but he was deceived, and gave occasion to others of erring, as Cardinal Bellarmine rightly observes: for the Lateran Council of which mention is made in these Chapters, is quite another from this Council, truly that celebrated by Alexander III, and for the purpose of removing this error the Canons here cited are, in the Roman edition, marked in the margin. Therefore these are the true decrees of the Council, not only constituted by the Council, but also published by it."—See an admirable note to the fourth volume of *Soames's History of the Reformation*, p.p., 291, 292, 293, 294.

² "Post hæc tempora Innocentius Papa celebravit Romæ concilium, vir clari ingenii, magnæ probitatis et sapientiæ, cui nullus secundus tempore suo. Fecit enim mirabilia in vita sua. Eo anno quo concilium factum est, mortuus est idem Innocentius apud Perusium." *Rigordus de Gestis Philippi Augusti Francorum Regis*, in *Duchesne's Historiæ Francorum Scriptores*. Tom. 5. p. 66. A.

"Interea Sancti Patres scilicet universi Ecclesiarum Prælati, vocati a Papa Innocentio tertio, Romæ celebrant concilium generale Septuaginta unius Primatum et quadringentorum episcoporum, præter alios inferioris dignitatis, mense Novembri, Anno incarnationis Domini millesimo ducentesimo quinto, Pontificatus vero ejusdem Innocentii anno decimo octavo. In eodem concilio excommunicavit idem Papa multis contradicentibus Barones Angliæ et complices eorum. Sed et comitem Sancti Ægidii qui vocabatur Tolosanus, et ejus filium, damnatos de hæresi, videbatur velle restituere ad terras suas, quas eis Catholici una cum Simone Montis fortis mandato Romanæ Ecclesiæ per Dei adjuterium abstulerant, et de ejusdem Papæ licentia possidebant, quod ne fieret universum ferè concilium reclamabat." *Gulielmus Armoricus de Gestis Philippi Augusti Francorum Regis*, in *Duchesne's Hist. Francorum Script.* Tom. 5. p. 89. A.

We have now seen that the testimony of the witnesses, adduced by those who would cast a doubt upon the genuineness and authenticity of the Lateran Canons, by no means leads to the conclusion that *no Canons at all were passed by the Council*; on the contrary, they rather lead to the conclusion that the said Canons were adopted, with little or no opposition on the part of the Council. Matthew Paris tells us, that some liked and some disliked them, but says not a word about their rejection; Platina only asserts that "nothing could be *openly* done," and Naclerus that "nothing could be *fitly* determined," and Du Pin, whilst, from the words of Matthew Paris, he infers that the Canons were *made* by the Pope and received in *silence* by the Council, is so far from doubting of their adoption by the Council, that he afterwards mentions them distinctly as *Statutes of Lateran*; Collier lays "two or three of the most remarkable before the reader," because *English Prelates were present at the Council*, and bears the most decided testimony in their favour by describing the Mazarine M. S. in which they are found, as "Coeval with the Council."¹

The reader will now be prepared to contrast the force of the argument, sought to be derived from the above evidence, with that afforded by the following extracts, and will, probably, be induced to think that the Council of Trent, whose recognition of the Lateran Statutes has been shown

¹ The attention of the writer was drawn by a friend to a M. S. mentioned in the Cotton catalogue of MS.S. in the British Museum, "Vittellius A. II. 4.—*Constit. conc. gen. Lat. sub. Inn. III. P[apa]*." The above M. S., as another friend has kindly informed him, is considered by competent judges, to have been written in the thirteenth century, and, probably, in England. It contains the THIRD CANON.

to be most decided, did not, as in truth it had no cause to do, in this instance, lend "its weight to a fiction."

"CONSTITUTIONES, BONÆ MEMORIÆ RICHARDI POORE,
SARUM EPISCOPI, A.D. 1223.

LAT. IV. CANON 10.

"Unde, cum sæpe contingat, quod *Episcopi propter occupationes multiplices, vel invaliditudo corporales, aut hostiles incursiones, seu occasiones alias* (ne dicamus defectum scientiæ, quod in eis est reprobandum omnino, nec de cætero tolerandum) per se ipsos *non sufficiunt ministrare populo verbum Dei*, maxime per amplas dioceses et diffusas: generali constitutione sancimus, ut episcopi viros *idoneos ad sanctæ prædicationis officium salubriter exsequendum assumant*,"¹ &c.

*De prædicatoribus episcopi
recipiendis.*

"Cum propter occupationes multiplices, vel invaliditudo corporales, seu alias causas non sufficiunt episcopi per se ministrare populo verbum Dei, *in Lateran. Concilio Statutum est*, ut ipsi ministros idoneos ad sanctæ prædicationis officium salubriter exequendum assumant," &c.²

*Concerning the reception of the
Bishop's preachers.*

"Since on account of their manifold occupations, or bodily infirmities, or other causes, Bishops are not sufficient of themselves to administer to the people the Word of God, it was decreed *in the Lateran Council*, that they take to themselves," &c.

¹ Labbé et Cossart; tom. xi, p. 1, col. 161.

² Wilkins's *Concilia Magnæ Britanniæ*; tom. 1, pp. 599—600.

LAT. IV. CAP. XXIX.¹

Quod nullus habeat duo beneficia cum cura annexa.

“De multa providentia fuit in Lateranensi concilio prohibitum ut nullus diversas dignitates, et plures ecclesias parochiales reciperet contra sacrorum canonum instituta. Alioquin, et recipiens sic receptum amitteret, et largiendi potestate conferens privaretur. Quia vero propter præsumptiones et cupiditates quorundam nullus hactenus fructus aut rarus de prædicto statuto provenit; nos *evidentius et expressius* occurrere cupientes, præsentis decreto statuimus, ut quicumque receperit aliquod beneficium habens curam animarum annexam, si prius tale beneficium obtinebat, eo sit ipso jure privatus: et si forte illud retinere contenderit, alio etiam spoliatur.”

De receptione secundi beneficii.

Quum in concilio Lateranensi primo dignoscitur esse statutum, et *nuper in generali concilio evidentius fuit expressum*, ut quicumque reciperet beneficium, cui esset cura animarum annexa, si prius tale beneficium obtinebat, eo sit ipso jure privatus, et si forte illud retinere contenderit, utroque privetur.”

Of taking a second benefice.

“Since it is well known that it was first decreed in a Lateran Council, and *lately in a General Council was more clearly expressed*, that whosoever should receive a benefice, with cure of souls annexed, if he were before in possession of such a benefice, should be deprived of it “ipso jure,” and that if, perchance, he should endeavour to retain it, he should be deprived of both.”

¹ Labbé et Cossart, tom. xi. p. 1.

The reader will at once perceive that the "General Council" referred to, in the above constitution of Poore, can be no other than the Fourth General Council of Lateran, the very words of which are repeated, to an extent sufficient to identify the statute from which they are derived; the statute of a former Lateran Council, (under Alexander III, A. D., 1179,) referred to both by Poore and by the Fourth Lateran Council, is *generally* directed against the abuse of pluralities; in the Statute of the Fourth Lateran Council the evil is met *evidentius et expressius*. This will be still more clearly seen by a reference to the Statute of the former Council; ¹ the words "nuper in generali concilio" are very applicable to a council *held only eight years before*, and no other general council intervened to which the expressions of Poore can apply.

LAT. IV. C. XLV.²*De ecclesiarum patronis.*

"Sacri nihilominus concilii approbatione statuimus, quatenus si patroni, vel advocati, aut feudatorii, seu vicedomini, seu alii benefi-

"Sacri nihilominus concilii provisione diffinitum est, quatenus, si patroni, vel advocati, aut feudatorii, seu vicedomini, alicujus ec-

¹ Lat. III. C. xiii. "Ne aliquis multas habeat ecclesias." "Quia nonnulli modum avaritiæ non ponentes, dignitates diversas ecclesiasticas, et plures ecclesias parochiales contra sacrorum canonum instituta nituntur acquirere, ita ut cum unum officium vix implere sufficiant, stipendia sibi vendicant plurimorum: ne id de cætero fiat, districtius inhibemus. Cum igitur ecclesia, vel ecclesiasticum ministerium committi debuerit: talis ad hoc persona quærat, quæ residere in loco, et curam ejus per se ipsum valeat exercere: quod si aliter fuerit actum, et qui receperit, quod contra sanctos canones accepit amittat; et qui dederit, largiendi potestate privetur." Labbé et Cossart, tom. x. col. 1516.

² Labbé et Cossart, tom. xi. p. 1. col. 193.

ciati, alicujus ecclesiæ rectorem, vel clericum alium ipsius ecclesiæ, per se vel per alios occidere vel mutilare ausu nefando præsumpserint, &c.”

clesiæ rectorem vel clericum alium ipsius ecclesiæ per se vel per alios occidere ausu nefando præsumpserint &c.”

Concerning Patrons of Churches.

“ Nevertheless it was determined by a provision of the sacred Council, that if patrons, or advocates or feudatories, or vice-lords should, with wicked boldness, presume, by themselves, or by the means of others, to kill the rector of any church, or any other clergyman of the Church, &c.”

That the Fourth General Council of Lateran is referred to in the Constitution of Poore, is evident upon a comparison of it with the Forty-fifth Canon of that Council, which is cited almost verbatim; and it is worthy of remark that the word “provisione,” employed by Poore, is given in the margin by Labbé and Cossart, as the reading of the Mazarine M. S., instead of “approbatione.” How completely too does the wording of the Forty-fifth Canon remove all idea of a mere Constitution of Innocent unsanctioned by the Council.

"CONCILIIUM ARELATENSE, A JOANNE ARCHIEPISCOPO ET SUFFRAGANEIS CELEBRATUM, GREGORIO PAPA IX. PONT. MAX. IMP. FRED. II. REGNANTE IN GALLIA S. LUDOVICO, EX M.S. CODICE EMINENTISSIMI CARD. CHISI NUNC PRIMUM PRODIT: CONCILIIUM DOMINI JOANNIS CELEBRATUM ANNO D. MCCXXIV.¹

CANONES.

I.—"*Ut Statuta Concilii Lateranensis IV. diligenter observentur.*"

"Quoniam ex obediendi debito constitutiones Romanorum Pontificum tenemur fideliter observare, mandamus omnibus suffraganeis nostris, et districte præcipimus, ut canonicas regulas et Statuta Concilii Lateranensis IV. a domino papa Innocentio III. promulgata diligenter observent, et a suis subditis faciant observari."

"That the Statutes of the Fourth Lateran Council be diligently observed."

"Since we are bound by a debt of obedience faithfully to observe the Constitutions of the Roman Pontiffs, we command all our suffragans, and strictly direct, that they diligently observe the canonical rules, and the Statutes of the Fourth Lateran Council promulgated by our Lord the Pope, Innocent III, and cause them to be observed by their subjects."

This was the Council of Arles mentioned by Du Pin, and it was held in the very same year in which the nephew of Innocent, Gregory IX, published, in his decretals,² the Third Canon of Lateran as being enacted by Innocent III, "in concilio generali;" we have thus

¹ Labbé and Cossart, tom. xi. p. ii col. 2339, 2340, 2341.

² *Decretales Gregorii Papæ IX.*, tom. ii. p. 240. Lib. v, tit. 7. (Parisius MDCLXXXVII).

two contemporaneous, and very competent, witnesses to the genuineness of these Canons, and that too, within twenty years after the Council under Innocent III. was held. The description of them by the Council of Arles is perfectly in accordance with the words of Matthew Paris, upon which Van Espen has the following observation, "These undoubtedly are the Chapters which are extant, dispersed through the decretals of Gregory IX, under the name of 'Innocent III, in the General Council of Lateran,' and which are every where wont to be ascribed to this Council, and these same were extant in an ancient collection of decretals, with some other decretal letters of Innocent III, himself, arranged under various titles, which Antonius Augustinus published under the name of the *Fourth collection of Decretals*." Van Espen, after a few words respecting the Canons being previously composed by the Pope, proceeds: "Hence it happens, that they are related under the name of '*Innocent III, in the General Council of Lateran*,' and that they were compiled in an old collection of decretals into one volume, along with other decretals of Innocent III."¹ Not only does the Council of Arles corroborate the testimony of Gregory IX, *generally*, but, as the reader will observe from the wording of Third, Fourth and Fifth Canons, *particularly* as to the THIRD Canon of the Fourth Lateran Council.

CANONS OF ARLES CONTINUED.

II.—"*Ut episcopi per se et alios prædicent*."

"Item præsentis approbatione concilii duximus statuen-

¹ For the above, and several other, valuable extracts from Van Espen, one of the standards of Maynooth, see McGhee's *Laws of the Papacy*, pp. 81—82.

dum, ut quilibet episcopus in sua diocesi frequenter fidem prædicet orthodoxam : et cum expediet per alias honestas et discretas personas faciat prædicari."

"That the Bishops preach, either themselves, or by others."

"Also with the approbation of the present Council, we have thought it right to decree, that every Bishop frequently preach the orthodox faith in his own diocese : and, when it shall be expedient, cause it to be preached by other honest and discreet persons."

Here the Tenth Canon of the Fourth Lateran Council is enforced. (See p. 24, *supra*.)

III.—*Ut quilibet compellantur
hæreticos de terris suis exter-
minare.*

LAT. IV. CANON III.

"Moneantur autem et inducantur, et, si necesse fuerit, per censuram ecclesiasticam compellantur, seculares potestates, quibuscunque fungantur officiis, ut sicut reputari cupiunt et haberi fideles, ita pro defensione fidei præstent publice juramentum, quod de terris suæ jurisdictioni subjectis universos hæreticos ab ecclesia denotatos bona fide pro viribus exterminare studebunt;"

"Item Statuimus quod quilibet episcopus moneat et efficaciter inducat, et si necesse fuerit, per censuras compellat, potentes, castellanos, consules, et civitatum, et aliorum locorum dominos quibuscunque fungantur officiis, ut sicut reputari cupiunt et haberi fideles, ita pro defensione fidei præstent publice juramentum, quod de terris suæ jurisdictioni subjectis universos hæreticos ab ecclesia de-

notatos bona fide pro viribus
exterminare studebunt."

"That all persons whosoever be compelled to exterminate heretics out of their lands."

"We also decree that every bishop admonish and effectually induce, and, if need be, compel by censures, those in power, castellans, consuls, and the lords and rulers, both of cities and of other places, whatsoever offices they may discharge, that, as they desire to be reputed and accounted faithful, so they, for the defence of the faith, publicly make oath that, to the utmost of their power they will endeavour, bonâ fide, to exterminate, from the lands subject to their jurisdiction, all heretics denoted by the Church.

Can any recognition be more complete? "Let the secular powers be admonished, &c." says the Third Canon of Lateran, and the Council of Arles decrees, "That every Bishop admonish, &c." and in the very words of the Canon which it enforces.

LAT. IV. CANON III.

*"Credentes vero præterea receptores, defensores et fautores hæreticorum excommunicationi decernimus subjacere."*¹

IV.—*Ut singulis Dominicis et et festis publice excommunicentur hæretici et eorum fautores.*

"Item statuimus, ut singulis diebus Dominicis et festivis, publice excommunicentur et anathematizentur, pulsatis campanis et extinctis candelis, omnes hæretici, quibuscunque nominibus censeantur, credentes, receptatores, defensores, et fautores etiam eorundem."

"That on all Lord's days, and feast days, heretics and

¹ This passage has been thus erroneously translated in Perceval's *Roman Schism*, p. 136, "*But we who believe, decree also, to subject to excommunication, &c.*" The error has arisen from the translator, probably, not being aware that the word "*credentes*" was commonly applied to those who held heretical opinions, and from overlooking the neuter verb "*subjacere*" which is employed instead of the active verb "*subjicere*." The following extracts will shew in what sense "*credentes*" was intended to be understood, "*quod si quos ibi repererint hæreticos, credentes, fautores vel receptatores eorum &c.*" (Concil: Avenion: Cap. ii., Labbé and Cossart, tom. xi. p. 1. Col. 42.). "*Ut nemo puniatur tanquam credens vel hæreticus, &c.*" Concil: Tolos: Cap. viii. Ibid., tom. xi. p. 1. "*De iis qui post mortem detecti fuerint hæretici, vel credentes hæreticorum.*" (Concil: Arelatense.) We find in Canon XX of the Fourth Lateran Council, the verb "*subjaceo*" thus prospectively employed, "*graviori subjaceat ultioni,*" Cap. xi. There is also a passage in which the meaning of "*subjacere*" cannot be mistaken in the Nineteenth Canon of the Third General Council of Lateran, "*Tam ipsi, quam eorum fautores, excommunicationi se noverrint subjacere.*"

their abettors be excommunicated."

"We also decree, that on every Lord's day, and on festivals, all heretics, by whatsoever names they may be called, and also believers [in their doctrines,] receivers, defenders, and abettors of the same, be publicly excommunicated and anathematized, bells being rung and candles extinguished.

LAT. IV. C. III.

"Adjicimus insuper, ut quilibet Archiepiscopus vel episcopus, per se, aut per archidiaconum suum, vel idoneas personas honestas, bis aut saltem semel in anno propriam parochiam, in quâ fama fuerit hæreticos habitare, circumeat: et ibi tres vel plures boni testimonii viros, vel etiam si expedire videbitur totam viciniam, jurare compellat, quod si quis ibidem hæreticos sciverit, vel aliquos occulta conventicula celebran-

V.—*Ut inquirantur hæretici et denuncientur.*

"Item ut plenius exterminari hæretica pravitas, statuimus ut in singulis parochiis, tam in civitate quam extra, quilibet episcopus sacerdotem unum vel duos, vel tres bonæ opinionis laicos, vel plures si opus fuerit, juramenti religione constringat, quod diligenter et solícite investigent, si quos ibi repererint hæreticos, credentes fautores, defensores, et receptatores eorum, ut ipsi episcopo et rectoribus civitatum, et do-

tes, seu a communi conversatione fidelium dissidentes eos episcopo studeat indicare."

minis locorum, et bajulis eorundem, cum omni studeant festinantia intimare, ut eos puniant secundum canonicas et legitimas sanctiones: nihilominus bona hæreticorum omnia confiscantes, iis tamen, qui incarcerari debent ad arbitrium episcopi sufficiente provisione reddenda."

That heretics be sought after and denounced.

"Also, that heretical pravity may be more fully exterminated, we decree, that in every parish, both within the city and without, every bishop constrain, by the obligation of an oath, one or two priests, or three laymen of good character, or more if need be, diligently and carefully to enquire if they can find any heretics, believers, abettors, defenders, and receivers of them, and to strive with all haste to point them out to the bishop himself, and rulers of cities, and lords of places and their bailives, that they may punish them according to canonical and legitimate sanctions: confiscating, nevertheless, all the goods of the heretics, a sufficient provision, however, to be rendered to those who ought to be incarcerated, at the pleasure of the bishop."

The Lateran Statute directs the appointment of inquisitors, and "if necessary," that "the whole neighbourhood" shall be bound by an oath to discover heretics, &c.; The Canon of Arles, in compliance with the said Statute, directs the appointment of inquisitors "two or three priests, or three laymen of good character, or more, if need be,"

under "the obligation of AN OATH, to seek out heretics," and, as the Lateran Statute also directs, to intimate the same, should any be known to exist in the parish, "to the bishop." These Canons were renewed, in the Council of Arles, held A.D. 1236, with the exception of the twenty-fourth, thus affording a second testimony in favour of the claim of the Lateran Statutes.

"MODUS CONSTITUENDI ABBATEM EXEMPTUM APUD ANGLOS
POST CON: GEN: SUB PAPA INNOCENT: III. PROUT HABETUR
EX EXEMPLO CONSTITUTIONIS JOHANNIS ABBATIS
S. ALBANI, A.D. MCCXXXV." ¹

LAT. IV. C. XXVI. ²

"Coeterum, qui ad Romanum pertinent immediate pontificem, ad percipiendam sui confirmationem officii, ejus se conspectui, si commode potest fieri, personaliter repræsentent; vel personas transmittant idoneas, per quas diligens inquisitio super electionis processu et electis possit haberi: ut sic demum per ipsius circumpectionem consilii sui plenitudinem assequantur officii, cum eis nihil obstiterit

"Et quia primus erat in Abbatem creatus post concilium Lat: Gen: a Papâ Innocent. III. celebrat: in quo constitutum erat ut abbates exempti ab ipso Papâ confirmarentur."

"Veruntamen quia de persona electi domino papæ non constabat, dedit in mandatis Eliensi et London episcopis, ut rite, facta examinatione de persona electi eundem in Abbatem confirmatum benedicerent plene in omnem

¹ Wilkins's *Concilia Magnæ Britannicæ*; tom. 1, p. 631.

² Labbé et Cossart; tom. xi, p. 1, col. 178—179.

de canonicis institutis: ita quod interim valde remoti, videlicet ultra Italiam constituti, si electi fuerint in concordia, dispensative propter necessitates et utilitates ecclesiarum, in *spiritualibus* et *temporalibus* administrent: sic tamen ut de rebus ecclesiasticis nil penitus alienent. Munus vero consecrationis seu benedictionis recipiant, sicut hactenus recipere consueverunt."

tam spiritualium quam temporalium administrationem instituentes."¹

"And because he was the first created Abbat after the General Council of Lateran, celebrated by Innocent III, in which it was decreed that Abbats exempt should be confirmed by the Pope."

"Nevertheless because the person of the elect was not known to our lord the Pope, he gave it in command to the bishops of Ely and London that, an examination of the person of the elect having been made, they should duly bless the same being confirmed as Abbat, fully instituting him to all administration of things temporal as well as spiritual."

That the twenty-sixth Canon of the Fourth General Council of Lateran is referred to, in the above extract from Wilkins, there can be no doubt; nearly the very words of the Canon are cited by Ferrari, in his *Prompta Bibliotheca*, p. 458. "Nullo ergo titulo, electi aut nominati se administrationi ecclesiæ viduatæ ingerere possunt ante confirmationem; eamque juxta stylum hodiernum in

¹ Wilkins's Con: Mag: Brit: tom. 1, p. 632.

Curiâ Romanâ expediendam, nisi tamen *Valde remoti sint videlicet ultra Italiam constituti: hi si electi fuerunt in concordia (inquit Concilium Luteranense sub Innocentio III,) dispensative, &c.*"

"CONSTITUTIONES S. EDMUNDI, ARCHIEPISCOPI CANTUARIENSIS," (A.D. 1236.)

XXXVIII.—*De his qui clericos occidunt, faciuntque occidi.*¹

"Sacri insuper provisione concilii definitum est &c."

The same Canon is referred to as in the Constitution of Poors. *De ecclesiarum Patronis*; see p. 26.

"ORDINANCE OF ODO,² ARCHBISHOP OF TUSCULUM,"³
(A.D. 1248.)

LAT. IV. C. XI.⁴

"*De Magistris Scholasticis.*"

"Sane metropolitana ecclesia theologum nihilo minus habeat, qui sacerdotes et alios in sacrâ paginâ doceat &c."

"Et licet fuerit in Lateranensi Concilio ordinatum, ut in singulis cathedralibus ecclesiis de grammaticâ et in metropolitanis similiter, et nuper de theologiâ &c."

"And although it was ordained in the Lateran Council that in all Cathedral Churches, and in metropolitan Churches in like manner concerning grammar, and *lately* respecting theology.

A provision for teaching grammar had been made by

¹ Wilkins's Concil: Mag: Brit: tom. 1, p. 639.

² Labbé et Cossart, tom. xi. p. ii. col. 2401. ³ Now called Freseati.

⁴ Labbé et Cossart, tom. xi. p. 1. col. 163.

the Third Lateran Council in its Eighteenth Canon; the addition of the "theologus" was made by the Fourth Lateran Council, and this marks the reference in the ordinance of Odo.

"CONSTITUTIONES NICOSIENSES," (A.D. 1252 to 1255.)

X. ¹ "Ut servetur Canon 'omnis utriusque sexus, &c.'" This is the celebrated twenty-first Canon of the Fourth General Council of Lateran.

LAT. IV. C. IX.

*De diversis ritibus in eadem
fide.*

*Constitutio instruens Graecos et
alios.* ²

"Quoniam in plerisque partibus intra eandem civitatem atque diœcesim permixti sunt populi."

1. "Quæ duo habentur in Concilio Generali cujus verba sunt hæc, 'quia in plerisque partibus intra eandem civitatem atque diœcesim, &c.'"

Here the Canon is cited *verbatim* with the exception of the first word.

7. *De Pœnetentia.* "Exponatur populo *constitutio Concilii Generalis, omnis utriusque sexus.*" ³

Here is a reference at once decisive,—“which two things are contained in the *General Council*, whose words are these, “Quia in plerisque partibus, &c,”—the words of the Ninth Canon of the Fourth General Council of Lateran; the next “Constitution of the General Council” is equally clear.

¹ Labbé et Cossart, tom. xi. p. ii, col. 2375.

² Labbé et Cossart, tom. xi. p. ii, col. 2388.

³ Ibid. col. 2391.

"CONCILIUM SENONENSE,"¹ (A.D. 1269.)

LAT. IV. C. XXI.

"Omnis utriusque sexus, postquam ad annos discretionis pervenerit, *omnia sua solus peccata confiteatur fideliter, saltem semel in anno proprio sacerdoti*. . . . alioquin et *vivens ab ingressu ecclesiæ arceatur et moriens christiana careat sepultura*."

"CONCILIUM APUD PONTEM AUDOMARI,"² (A.D. 1279.)

LAT. IV. C. XXI.

CAP. IV.—*Ut servetur canon, Omnis utriusque sexus.*

"Item statutum concilio generalis *de viventibus arceendis ab ingressu ecclesiæ, et morientibus qui Christiana debent sepultura carere, nisi saltem semel in anno omnia peccata fideliter confessi fuerint proprio sacerdoti, &c.*"

"That the Canon "Omnis utriusque sexus," be observed, &c."

V.—*Ut confiteantur et viaticum recipiant semel in anno.*

"Præterea præcipimus, ut secundum statutum concilii Generalis, quilibet Christianus singulis in annis ad minus semel confiteatur proprio sacerdoti, &c."

"Moreover, we direct that according to the Statute of the General Council, every Christian once a year, at least, confess to his own priest, &c."

¹ Labbé et Cossart, tom. xi. p. 1, col. 914.

² Ibid. col. 1045.

"CONSTITUTIONES DOMINI JOHANNIS PECKHAM, CANTUAR: ARCHIEPISCOPI¹ EDITÆ IBIDEM III. KAL: AUGUST. MCCLXXIX."

"Secuta sunt deinde concilia Lateranensia sub Alexandro Papa et Generale Concilium sub Innocentio tertio, in quibus omnibus pluralitas inhihetur."

"Then followed the Lateran Councils under Pope Alexander and the *General Council* under Innocent the Third, in *all* of which plurality is forbidden."

"CONSTITUTIONES JOHANNIS PECKHAM, ARCHIEPISC. CANTUAR: EDITÆ IN CONCILIO LAMBATHENSI MCCLXXXI."²

"Lateranensis igitur concilii auctoritate præmoniti faciemus canonicas regulas revocari &c."

"Premonished therefore by the authority of the Lateran Council we will cause the canonical rules to be recalled," &c.

That the "canonical rules" to be brought forward were connected with the Fourth Lateran Council is clear from the following extract from Peckham's *Constitutions*.

LAT. IV. C. XX.⁴

*De chrismate et eucharistia sub
serd conservanda.*

"Statuimus, ut in cunctis ecclesiis chrisma et eucharistia sub fidei custodia clavibus adhibitis conserventur: ne possit ad illa temeraria manus extendi,

De eucharistia.

"Sacerdotes autem in custodia eucharistiae negligentes puniri præcipimus secundum regulam Concilii Generalis, capitulo" 'statuimus &c.'

¹ Wilkins's Concil: Mag: Brit: tom. ii, p. 33.

² Lat. III. c. xiii; Lat. IV. c. xxix, see p. 25.

³ Wilkins's Concil: Mag: Brit: tom. ii, p. 51.

⁴ Labbé et Cossart, tom xi. p. 1, col. 172.

ad aliqua horribilia vel nefaria exercenda. Si vero is ad quem spectat custodia, ea incaute reliquerit, tribus mensibus ab officio suspendatur. Et si per ejus incuriam aliquid nefandum inde contigerit, graviori subiaceat ultioni."

"Moreover, priests negligent in the custody of the eucharist we order to be punished according to the rule of *the General Council*, Chapter "Statuimus &c."

EPIST. I. MARTINI PAPÆ AD FRATRES MINORES," A. D. 1281.¹

"Volumus autem quod hi qui fratribus confiteantur eisdem, suis parochialibus presbyteris confiteri saltem semel in anno prout concilium generale statuit teneantur."

"We will, moreover, that they who confess to these same friars be bound to confess to their own parish priests, at least once a year, as the *General Council* has decreed."

"CONCILIIUM SALTZBURGENSE,"² A. D. 1281.

CAP. X.—*De pluribus beneficiis curam animarum habentibus.*

"Ut infra certum terminum et tempus, dispensationis suæ fidem nobis facerent, ut ultimo eis remanente beneficio juxta Lateranense concilium prioribus essent ipso jure privati &c."

Of several benefices with cure of souls.

"That within a certain limit and time they make proof to us of their dispensation, since, the last benefice remaining, they would, according to the Lateran Council, be deprived 'ipso jure' of the former &c."

¹ Labbé et Cossart, tom. xi. p. 1. col. 1144.

² Ibid. col. 1153.

The reader will observe that the expressions employed in the above chapter, clearly shew the reference to be to the twenty-ninth Canon of the Fourth Lateran Council, with which he has already been made acquainted. (See p. 25).

“CONCILIIUM BITURICENSE,”¹ A. D. 1286.

CAP. XIV. “Præcipimus etiam sub poena excommunicationis, universis ecclesiarum capellanis curatis, quod habeant in vulgari et Latino constitutionem Innocentii III, editam in concilio generali quæ incipit ‘omnibus utriusque sexus, &c.’”

“We direct also, under pain of excommunication, all chaplains of churches, who have the cure of souls, to have in the vulgar tongue, and in Latin, the Constitution of Innocent III, published in the General Council, which begins ‘omnis utriusque sexus.’”

This constitution, the observance of which is commanded under the “pain of excommunication,” is introduced with every circumstance which could add to its weight,—“*the Constitution of Innocent III, published in the General Council* ;”—it is spoken of as originating with the Pope, and sanctioned by a *General Council* ; we have already seen that the Council treats it as speaking the sense of the Church, and in the “Catechism of the Council of Trent” we find it treated in a similar manner, “First, therefore, from the Canon of the Lateran Council whose beginning is ‘omnis utriusque sexus,’² and the dignity of the Canon is then asserted.”³ “Truly at what

¹ Labbé et Cossart, tom. xi. p. 1. col. 1252.

² “Primum itaque ex Lateranensi concilii canone cujus initium est, omnis utriusque sexus, &c.”—*De Pœnitentiæ Sacramento*, LVIII.

³ Ibid. LIX.

time confession ought chiefly to be made, *Holy Church hath decreed by that Canon of which we have spoken before*; for it commands all the faithful to confess their sins at least once a year."

"SYNODUS EXONIENSIS,"¹ A. D. 1287.

LAT. IV. C. LXII.²

Ne reliquæ sanctorum ostendantur extra capsum; ne novæ habeantur in veneratione sine Romand ecclesia.

"Inventas autem de novo nemo publice venerari præsumat, nisi prius autoritate Romani Pontificis fuerint approbatæ."

CAP. XLVIII.—*De reliquiis et veneratione sanctorum.*

"Idcirco in concilio generali provide novimus esse prohibitum, ne quis reliquias de novo inventas publice venerari præsumat nisi a Romano Pontifice prius fuerint approbatæ."

Of reliques and the veneration of saints.

"Therefore we know that in the *General Council* it was providently forbidden that any one should presume publicly to venerate reliques newly found, unless they had been previously approved by the Roman Pontiff."

¹ Labbé et Cossart, tom. xi. p. 2, col. 1302. ² Ibid. p. 1. col. 213.

“SYNODUS BAIOCENSIS,”¹ A.D. 1300.

LAT. IV. C. LXII.

“Cum ex eo quod quidam sanctorum reliquias exponunt venales, et eas passim ostendunt, Christianæ religioni sit detractum sæpius: ne detrahatur in posterum, præsentī decreto statuimus, ut antiquæ reliquiæ a modo extra capsam non ostendantur nec exponantur venales. Inventas autem de novo nemo publice venerari præsumat, nisi prius autoritate Romani Pontificis fuerint approbatæ.”

LAT. IV. C. XXII. ²

“Quod infirmi prius provideant animæ quam corpori.”

“Decreto præsentī statu-

CAP. XL.—*Ne antiquæ reliquiæ extra capsum exponantur venales.*

“Item in concilio est statutum, quod antiquæ reliquiæ a modo extra capsum nullatenus ostendantur, nec venales exponantur. Inventas autem de novo nemo publice venerari præsumat, nisi prius autoritate Romani Pontificis fuerint approbatæ.”

That ancient reliques be not exposed for sale out of the chest.

“Also it was decreed in the Council, that henceforth ancient reliques be not shewn out of the chest, nor reposed for sale. Moreover, let no one presume publicly to venerate newly found [reliques] unless they shall have been previously approved by the authority of the Roman Pontiff.

CAP. LXXV. “*Ut medici primo faciant advocari medicos animarum.*”

“Statutum est in concilio

¹ Labbé et Cossart, tom. xi. p. 1. col. 1456.

² Ibid. col. 174.

imus, et districte præcipimus medicis corporum, ut cum eos ad infirmos vocari contigerit, ipsos ante omnia moneant et inducant, quod medicos advocent animarum: ut postquam infirmis fuerit de spiritali salute provisum, ad corporalis medicinæ remedium salubrius procedatur."

"Cæterum cum anima sit multo pretiosior corpore sub interminatione anathematis prohibemus, ne quis medicorum pro corporali salute aliquid ægroto suadeat, quod in periculum animæ convertatur."

et districte injunctum medicis corporum ut cum eos ad infirmos vocari contigerit, ipsos ante omnia moneant et inducant, quod medicos advocent animarum: ut postquam infirmo fuerit de spiritali provisum, ad corporalis medicinæ remedium salubrius procedatur. Cæterum autem cum anima multa sit preciosior corpore, sub interminatione anathematis prohibetur ne quis medicorum pro corporali saluti aliquid ægro suadeat quod in periculum animæ illius convertatur."

"That physicians in the first place cause the physicians of souls to be called in."

"It was decreed in the Council, and strictly enjoined on physicians of bodies that, when it should happen to them to be called to sick people, they should admonish and induce them, before all things, to call in the physicians of souls: that, after the spiritual health of

sick has been provided for, it may be proceeded more wholesomely to the remedy of corporeal medicine. But moreover, since the soul is much more precious than the body, it is prohibited under threat of an anathema that any physician, for the sake of bodily health, persuade the sick to any thing which may be turned to the peril of his soul."

"CONSTITUTIONES SYNODALES PER H. WOODLOKE, WINTON EPISC." ¹ A.D. 1308.

"Prout in generali concilio invenitur prohibitum, nos etiam districtius inhibemus, ne quis reliquias de novo inventas publice venerari præsumat donec auctoritate summi Pontificis fuerint approbatæ." For the Lateran Statute here referred to, see p. 43.

"CONCIL : PALENT : " ² A.D. 1322.

CAP. XXVII. "Ideoque universis ecclesiarum Rectoribus sub pœna excommunicationis districte præcipiendo mandamus ut constitutionem generalis concilii quæ incipit, 'omnis utriusque sexus, &c.'"

"Therefore, most strictly enjoining, we command all Rectors of churches, under pain of excommunication, that

¹ Wilkins's Concil: Mag. Brit. tom ii. p. 299.

² Labbé et Cossart, tom. xi. p. ii. col. 1707.

the Constitution of the General Council, which begins, 'omnis utriusque sexus, &c.'"

"CONCILIUM AVENIONENSE,"¹ A.D. 1337.

CAP. IV. "Item desiderantes illud præceptum generalis concilii pro animarum salute et Catholicæ fidei testimonio institutum, quod omnis utriusque sexus, &c."

"Also desiring that precept of the General Council, instituted for the health of souls, and a testimony to the catholic faith, that omnis utriusque sexus, &c."

"CONCILIUM BITERENSE,"² A.D. 1351.

CAP. VI. "Item desiderantes illud præceptum generalis concilii pro animarum salute et Catholicæ fidei testimonio salubriter institutum, quod omnis utriusque sexus, &c."

"ARTICULI CONCERNENTES REFORMATIONEM UNIVERSALIS ECCLESIAE EDITI PER UNIVERSITATEM, OXON. EX. M. S. COLL. CORP. CHRISTI OXON. N. 115, COLLAT. CUM M. S. COTT. FAUST. C. 7, FOL. 218, SEQ."³

A.D. 1414.

"Articles concerning the reformation of the Universal Church, put forth by the University of Oxford."

Tricesimus tertius de confessionibus per fratres audiendis.

"Quia igitur inter sæculares curatos et religiosos mendicantes gravis et continua est altercatio, utrum per statutum domini Clementis, capitulo 'dudum' vel domino Johannis cap. 'Vas electionis,' aut aliquid simile derogatum sit in toto vel in parte illi antiquo statuto concilii generalis 'omnis utriusque sexus, &c.'"

¹ Labbé et Cossart, tom. xi. p. ii, col. 1854.

² Ibid. tom. x. col. 1925.

³ Wilkins's Concil: Mag: Brit: tom. iii, p. 360.

The thirty-third—Concerning the hearing of confessions by friars.

“Because, therefore, a grievous and continual dispute exists between secular curates and religious mendicants [i. e. the mendicant friars] whether by the Statute of our Lord Clement, capitulo ‘dudum,’ or of our Lord John, cap. ‘Vas electionis,’ or something of the like, it be derogated in whole or in part, from that ancient statute of the General Council, ‘Omnis utriusque sexus, &c.’”

“CONCILIIUM CONSTANTIENSE,”¹ A.D. 1415

SESSIO XIX. “Cum in generalibus conciliis maxime Lateranensi provide quædam fuerint statuta, libertatem ecclesiasticam concernentia, quæ piæ memoriæ Fredericus Secundus in fervore devotionis Romanæ ecclesiæ tunc persistens etiam quædam statuit et adjunxit; et demum per felicitis recordationis Honorium tertium fuit ejusdem Frederici constitutio approbata, et consequenter per divæ memoriæ Carolum quartum eadem fuit approbata et quædam alia in favorem ecclesiasticæ libertatis adjecta quæ in libro cancellariæ Romanæ ecclesiæ continentur: hæc sancta synodus decernit et mandat domino Vicecancellario ejusdem Romanæ ecclesiæ ut executorias literas super ipsis expediat in formâ dari solitâ.”

“Whereas, in General Councils, and chiefly in the LAT-ERAN COUNCIL, certain Constitutions were wisely made concerning the ecclesiastical liberties to which Frederic II, of pious memory, according to the zeal with which he was then animated for the Church of Rome, added some others, which were confirmed by Pope Honorius III, of happy memory: whereas, moreover, the Emperor Charles IV, of

¹ Labbé et Cossart, tom. xii, col. 170.

pious memory, confirmed the said Constitutions, and thereto added others in favour of the ecclesiastical liberties, which are to be met with in the Chancery of the Church of Rome; this sacred synod decrees and orders the Vice-chancellor of the said Church to dispatch letters in due form, for putting those Constitutions in execution.”¹

The “Lateran Council,” mentioned in the above extract; is the Fourth General Council of Lateran, as will plainly appear from “The confirmation of the Constitutions of Frederic II,” put forth by the Council of Constance, and thus the Council of Trent is deprived of the honour of being “The first reputed GENERAL COUNCIL which lent its weight to this fiction.”

“CONFIRMATIO CONSTITUTIONUM FRED. II. ET
CAROLINÆ, &c.”

“ quamvis dudum contra sæculares potestates, nec non consules civitatum ac alios qui ecclesias et viros ecclesiasticos talliis, collectis, et exactionibus aliis aggravare nitebantur, in Lateranensi concilio immunitati ecclesiæ provisum fuit per quod hujusmodi præsumptio sub anathematis districtione prohibita fuit, et illius fautores et transgressores excommunicationi subjacere præcepit hujusmodi concilium donec satisfactionem earundem impenderent competenter, ac etiam constitutiones et sententiæ quæ a talibus forent promulgatæ inanes et irritæ haberentur, nullo tempore valituræ.”²

“Although long ago against secular powers, and the consuls of cities, who were endeavouring to burden churches

¹ The above translation is given in James Lenfant's *History of the Council of Constance*, p. 517.

² Labbé et Cossart, tom. xii. col. 273.

and ecclesiastical persons with imposts, collections, and other exactions, provision was made in the Council of Lateran for the immunity of the Church, by which such kind of presumption was prohibited under the threat of an anathema, and the abettors of it, and transgressors in such sort, ordered to be under excommunication until they made competent satisfaction for the same, and also that the constitutions and sentences which might be set forth by such, or by their command, should be void and of no effect and at no time to be valid."

The reference here is to the forty-sixth Canon of the Fourth General Council of Lateran, which cites, and adds to, the Nineteenth Canon of the Third Lateran Council, in which latter Canon the words in *Italics* do not occur; in the Canon of the Fourth Council they are given *expressly* as an addition to the provisions of the former Council, "*adjicimus, ut constitutiones et sententiæ quæ ab excommunicatis hujusmodi, vel de ipsorum mandato, fuerint promulgatæ, inanes et irritæ haberentur, nullo unquam tempore valituræ,*"¹ the words "*ab excommunicatis hujusmodi,*" are expressed in the Decree of Constance by the equivalent "*a talibus.*"

A little further on a passage occurs, in which the expressions again fix the reference to the Fourth General Council of Lateran; the Bishop is empowered to raise certain subsidies from ecclesiastical persons, when the means of the laity are insufficient, with this proviso, "*prius Romano Pontifice consulto,*"² and this proviso occurs in the forty-sixth Canon of the Fourth Lateran Council, after citing the provisions of the Third Lateran

¹ Labbé et Cossart, tom. xi. p. i, col. 193. ² Ibid. tom. xii. col. 276.

Council," "Propter impudentiam tamen quorundam Romanum prius consulent pontificem."

"CONCILIUM DERTUSANUM," A. D. 1429.¹

XIX. *Quod medici non visitent infirmum ultra tertiam vicem qui in illa infirmitate non fuerit confessus.*

"Sane licet in concilio generali districte præceptum, quod medici corporis, cum eos ad infirmos vocari contigerit ipsos ante omnia moneant et inducant ut medicos advocent animarum, ut postquam fuerit infirmo de spiritali salute provisum, ad corporalis salutis remedium, salubriter procedatur."

The reader will immediately recognize the twenty-second Canon of the Fourth General Council of Lateran which has been already given.

"CONCILIUM FRISINGENSE," A. D. 1440.²

LAT IV. C. XX.

"Statuimus ut in cunctis ecclesiis chrisma et eucharistia sub fidei custodia clavibus adhibitis conserventur: ne possit ad illa temeraria manus extendi, ad aliqua horribilia vel nefanda exercenda, si vero is ad quem spectat custodia ea incaute reliquerit &c."

XVIII.—"Item præcipiendo mandamus ut secundum constitutionem Lateranensis concilii eucharistia, chrisma, et oleum sanctum sub fidei custodia et reverentia debita clavibus adhibitis conserventur: ne possit ad illa temeraria manus extendi, ad aliqua horribilia et nefanda exercenda. Si vero is ad quem spectat custodia, ea incaute reliquerit &c."

"Also enjoining we com-

¹ Labbé et Cossart, tom. xii. col. 438. ² Ibid. tom. xiii, col. 1294.

mand that, according to the Constitution of the Lateran Council, the eucharist, chrism, and holy oil be kept under faithful custody and with due reverence, keys being used : that no rash hand be extended to them to do any thing horrible and wicked. But if he to whom the custody belongs shall incautiously leave them, &c.

“ CONCILIIUM ROTHOMAGENSE.” ¹

“ Item præcipit ipsa synodus quod unusquisque parochianus habeat semel in anno omnia peccata sua confiteri proprio sacerdoti ; et ad minus in pascha eucharistiæ sacramentum suscipere juxta decretum ‘ omnis utriusque sexus ’ et sub pœnis in eo contentis.”

The next extract, from the General Decree of the Council of Sens, deserves especial notice, as not only recognizing the Statutes of the Fourth General Council of Lateran, as such, but particularly the THIRD CANON of that Council, in a manner which does not admit of even the shadow of a doubt.

CONCILIIUM SENONENSE,” A.D. 1512—1528.²

“ Generale Decretum continens Hæresiôn, quæ nunc pullulant, species, earum detestationem, modum judicandi, ac discernendi hæreticos ac relapsos, formam et ordinem procedendi contra eosdem ; eorundem etiam acerbas pœnas,

¹ Labbé et Cossart, tom. xiii. col. 1304. ² Ibid. tom. xiv. col. 440.

ac demum exhortationem ad principes potestates sæculares de illis profligandis et exterminandis."

"General Decree containing the species of Heresies which are now sprouting forth, the execration of them, the method of judging and discerning heretics and relapsed persons, the form and order of proceeding against the same; also the bitter punishments of the same, and, lastly, an exhortation to the chief secular powers concerning dispersing and exterminating them."

"Antonius miseratione divina tituli sanctæ Anastasiæ sacrosanctæ Romanæ Ecclesiæ Presbyter Cardinalis, Archiepiscopus Senonensis, Galliarum et Germaniæ primas ac Franciæ Cancellarius, universis præsens hoc scriptum inspecturis, salutem in eo qui est omnium salus."

"Anthony, by divine mercy, Cardinal Priest of the Holy Roman Church, of the title of Saint Anastasia, Archbishop of Sens, Primate of the Gauls [Cisalpine and Transalpine] and Chancellor of France, to all who may see this present writing, health in Him who is the true health of all."

"Hinc est quod in hoc nostro provinciali concilio, quod ad corrigendos excessus et extirpandas hæreses, juxta Chalcedonense ac Lateranense concilia, adunatum est, ad Dei honorem, fidei orthodoxæ exaltationem, ac subditorum nostrorum pacem augmentum et tranquillitatem: duximus habito suffraganeorum consensu, ac

LAT. IV. C. III.

De hæreticis.

“Excommunicamus et anathematizamus omnem hæresim extollentem se adversus hanc sanctam, orthodoxam, catholicam fidem quam superius exposuimus: condemnantes universos hæreticos quibuscumque nominibus censeantur, &c.”

LAT. IV. C. III.

“*Credentes vero præte-
rea, receptores, defensores,
et fautores hæreticorum,*

multorum divini et humani juris interpretum consilio, his tantis periculis salubriter ac celeriter providendum: Antiquos scilicet canones (quorum custodes et executores constituimur) aut declarantes, aut renovantes, seu ex potestate nobis concessa, interdum adjectione poenæ communientes. In primis juxta Lateranense concilium excommunicamus et anathematizamus omnem hæresim extollentem se adversus orthodoxam et catholicam ecclesiam. Universos insuper qui aliter quam Romana credit et prædicat ecclesia credere et pertinaciter asserere tentant, ejusmodi concilii autoritate velut hæreticos et pertinaces, et a communione fidelium separatos declaramus.”¹

“Ejusdem concilii autoritate credentes, receptatores, defensores, et fautores hæ-

¹ Labbé et Cossart, tom. xiv, col. 441.

excommunicationi decernimus subiacere."

LAT. IV. C. III.

"Damnati vero, sæcularibus potestatibus præsentibus, aut eorum bailivis, relinquuntur animadversione debita puniendi."

LAT. IV. C. III.

"Quia vero nonnulli sub specie pietatis, virtutem ejus, juxta quod ait Apostolus abnegantes, auctoritatem sibi vendicant prædicandi, cum idem apostolus

reticorum, excommunicationi subiacere decernimus."

"Damnati de hæresi si ad unionem fidei catholicæ redire noluerint, maneat de foro ecclesiæ, et ad agendam perpetuam poenitentiam in pane doloris et aquæ tristitiæ, perpetuo carceri deputentur. Damnati, de hæresi, (si eam abjurare noluerint:) si laici sunt, statim judicio sæculari relinquendi &c."

"Insuper eos qui in una specie hæresis commiserunt aut in uno fidei articulo erraverunt, et post simpliciter, vel generaliter hæresim abjuraverunt, si tunc in aliam speciem hæresis committunt, velut relapsos in hæresim decernimus judicandos."

"... hinc est quod districtè juxta sacrum generale Lateranense concilium prohibemus, ne passim liceat cuivis prædicationis officium usurpare: neque ad prædican-

dicat: "Quomodo prædicabunt nisi mittantur? omnes qui prohibiti, vel non missi, præter auctoritatem ab apostolica sede, vel catholico episcopo loci susceptam, publice vel privatim prædicationis officium usurpare præsumpserint, excommunicationis vinculo innodentur: et nisi quantocyus resipuerint alia competenti poena plectentur."

LAT. IV. C. III.

"Adjicimus insuper ut quilibet archiepiscopus vel episcopus, per se, aut per archidiaconum suum, vel idoneas personas honestas, bis aut saltem semel in anno propriam parochiam, in qua fama fuerit hæreticos habitare circumeat: et ibi tres vel plures boni testimonii viros, vel etiam, si expedire videbitur, totam viciniam jurare compellat, quod si quis ibidem hæreticos sciverit vel aliquos occulta conventicula celebrantes, seu a communi conversatione fidelium vita

dum prodeant nisi quibus aut a jure, aut a papa, aut episcopi loci licentia concedatur. Quomodo enim prædicabunt nisi mittantur?

"Ordinamus insuper, quod suffraganei nostri, si viderint aliqua loca esse de hæresi suspecta, per se aut alios quam citius ad illa accedant, et ab illis de vicinia exigant sacramentum de prodendis hujusmodi hæreticis, ac de conventiculis illicita facientibus."

"... et si in expurgando hujusmodi fermento fuerint remissi aut negligentes intelligant se poenas incursuros quæ sacro generali Lateranensi concilio continentur."

et moribus dissidentes, eos
episcopo studeat indicare."

LAT. IV. C. III.

"Si quis enim episcopus
super expurgando de sua
diœcesi hæreticæ pravitatis
fermento negligens fuerit
vel remissus: cum id certis
indiciis apparuerit, et ab
episcopali officio deponatur,
&c."

LAT. IV. C. III.

"Moneantur &c. . . præ-
stent publice juramentum
&c."

"Novissime ordinamus
quod rectores et consules
civitatum, juxta sacrum
generale Lateranense con-
cilium, corporaliter præ-
stent sacramentum, quod
fideliter et efficaciter eccle-
siam in hujusmodi negotio
(cum fuerint requisiti) jux-
ta suum officium pro viribus
adjuvabunt, manusque por-
rigent adjutrices."

"Hence it is that, in this provincial Council, which was gathered together to correct excesses and to extirpate heresies, according to the Councils of Chalcedon and Lateran, to the honour of God, the exaltation of the orthodox faith, and the peace, increase, and tranquillity of our subjects, we have thought it good, with the consent of our suffragans, and the advice of many interpreters of divine and human law, that, wholesomely and quickly against these so great dangers, provision should be made: to wit, either declaring or renewing the ancient Canons (of which indeed we are constituted the guardians and executors) or, by the power conceded to us, sometimes fortifying them by the addition of punishment. In the first place, ACCORDING TO THE LATERAN COUNCIL, we excommunicate and anathematize every heresy exalting itself against the Orthodox and Catholic Church. Moreover by the authority of

the same Council; we declare as heretics, both obstinate and separated from the communion of the faithful, all who attempt to believe and obstinately to assert, otherwise than the Roman Church believes and preaches.

“By the authority of the same Council we decree, that believers, receivers, defenders and abettors of heretics, are subject to excommunication.”

“Let those condemned for heresy, if they will not return to the unity of the Catholic faith, remain out of the pale of the Church, and be adjudged to perpetual imprisonment that they may perpetually do penance in the bread of pain and the water of sorrow. Those condemned for heresy, (if they be unwilling to abjure it), if they are laymen, are straightway to be left to secular judgment.”

“Moreover those who have been guilty of one species of heresy, or have erred in one article of faith, and afterwards have simply or generally abjured heresy, if then they are guilty of another species of heresy, we decree to be judged as relapsed into heresy.”

“Hence it is, that most strictly, according to *the sacred General Council of Lateran*, we prohibit its being lawful for any one every where to usurp the office of preaching; nor let them go forth to preach, unless to whom, either by right, or by the Pope, or by licence of the bishop of the place, it be conceded.”

“Moreover, we ordain that our suffragans, if they shall perceive that any places are suspected of heresy, by themselves or others, as quickly as possible, visit those places, and exact from those of the neighbourhood, an oath to betray heretics of this kind and conventicles doing unlawful things.”

“And if, in the expurgation of such sort of leaven, they

shall be remiss or negligent, let them understand that they will incur the penalties which are contained in the *sacred General Council of Lateran.*"

"Lastly, we ordain that governors and consuls of cities, according to the sacred General Council of Lateran, personally make oath that they will faithfully and effectually assist the church in the matter of such sort of heresy, and put forth helping hands."

The reader, it is hoped, will pardon the length of the foregoing extract on account of its importance; the decree sets forth the object of the Council, viz. "to correct abuses and to extirpate heresies," and this is to be done by putting in force "the ancient Canons." Not only is the SACRED GENERAL COUNCIL OF LATERAN referred to, but the very first "ancient Canon," to which we are introduced, is the celebrated THIRD CANON of the Fourth General Council of Lateran. The reader will at once perceive the parallelism of the enactments, which are occasionally given in nearly the very words of the Canon whence they are derived. That Canon is treated as still in force, *and well known*, for, the Bishops who shall be remiss in their inquisitorial office, are given to understand, "that they will incur the penalties which are contained in the Sacred General Council of Lateran;" the said Bishops must therefore be acquainted with the enactments of the "sacred General Council," or they could not understand the nature of the penalties they were likely to incur by their negligence.

We now come to consider the case of the THIRD CANON of the Fourth General Council of Lateran more particularly, though the reader may think that its credit has been already established, by more than one of the testimonies

adduced in favour of the claims of the Lateran Statutes generally ; but, as its credit has been separately attacked, it is necessary that the grounds on which it has been assailed should be examined separately.

The first ground of objection to be noticed, is, the remark of Collier, " But here it must be said that this Chapter or Canon is not to be found in the Mazarine copy, coeval with the Council, but was transcribed from a later Record." From this remark it has been inferred that Collier doubted the genuineness of the Third Canon ; had he really entertained any doubt on the subject of its genuineness, he would scarcely have taken the trouble to give an analysis of its contents, and an explanation of one of its clauses ; certainly he would not have asserted, that, " there were seventy of these Canons in all, which being read in full Council were disliked by several of the Fathers, as Matthew Paris reports." As there were but " seventy Canons in all," and these seventy " were read in full Council," the *third* must have been read with the others. With respect to its not being found in the Mazarine copy the " excellent historian" was evidently *mistaken*, for there is no reason to believe that he had any *design* in making an assertion so utterly at variance with the truth. Collier's own authority, as appears by his marginal references, was the edition of the Councils by Labbé and Cossart, and the reader will perceive by an inspection of the Canon in question, which is given as it stands in their work, that only a *part* of the said Canon is absent from the Mazarine copy, and *that* part only the *middle* of the Canon, as both the *beginning* and the *end* are preserved. The heading of the Canon, as it now stands in the work of Labbé and Cossart, is *De hæreticis* but in the margin

the heading is given from the Mazarine copy. "M. S. Maz. *De excommunicatione et condemnatione hæreticorum*;" where the hiatus occurs the following notice is given, "Deest hic folium in codice Mazarino Græco et Latino;" ¹ a leaf which had never been in the copy, could not with any propriety be said to be *wanting*; moreover, the *beginning* and the end are found in the Mazarine copy, and the middle part, which is given from the Dach-erian M. S., perfectly coincides with that beginning and end; the connecting words clearly shew this. It is also evident from the marginal notes that, although a leaf is stated to be wanting "both in the Greek and in the Latin," the deficiency in the Latin is by no means so extensive as in the Greek; be that, however, as it may, one thing is very clear, viz. that there is no truth in the assertion "that this Canon is not found in the Mazarine copy." Other objections which have been urged carry with them their own refutation. It has been said that it was directed *only* against the *Albigenses*, now they are not once mentioned in the whole of the seventy Canons: the twenty-seventh Canon of the *Third* General Council of Lateran was indeed directed against them, but it would be a supposition not very creditable to the Church of Rome, that it was not the *heresies* but the *persons* of the Albigenses against which the Canon was directed; but she was more equitable, and directed her enactments against all

¹ There is a slight error in Grier's excellent *Epitome of the Councils* which would lead the reader to suppose that the hiatus occurred *only* in the Greek. "For," says Grier, "In the First place, Labbé, who follows that M.S., (the Mazarine) gives the entire of the Canon in the Latin, and where he omits the Greek, he observes, in a marginal note, deest hic folium in Codice Mazarino."

persons who should presume to hold heretical opinions. Again, we are told that it emanated from the *civil* authorities or "secular powers," and was directed against the crimes of the Albigenses, "who revived the crimes of the Manicheans, and indulged in gross vices against nature." This is at once contradicted by the very language of the Canon, and its connexion with a previous Canon, to say nothing of the glaring inconsistency of ascribing to the "secular powers" the very Canon which, it is contended, was a mere "Constitution of Innocent III. !

The first Canon sets forth a profession of faith, and this profession is directly alluded to in the *third*, "Excommunicamus et anathematizamus omnem hæresim extollentem se adversus *hanc* sanctam, orthodoxam, catholicam, fidem, *quam superius exposuimus*. "We excommunicate and anathematize every heresy exalting itself against *this* holy, orthodox, catholic faith, *which we have set forth above*." Those who assert that the Canon was directed against the Albigenses and Waldenses, do not seem to be aware how completely its relation to the first Canon exonerates these poor people from the charges so unjustly brought against them; for it reduces the crimes of those against whom it thunders forth its excommunication and anathemas, to the simple crime of heresy, which heresy was to be determined by the said profession of faith. To, differ in a *single* article, from this profession would constitute a crime

¹ Labbé et Cossart, tom. xi. p. 1, col. 621. The conclusion of this document is too remarkable to be omitted: "Rex Regum apostantes a fide Catholica penitus execramur, insequimur ultionibus, bonis omnibus spoliamus, et ut a professione vel vita naufragantes, legibus coarctamus, successores tollimus, ab eis omne jus legitimum abdicamus. Datum Perusii, secundo kal. Novemb. pontificatus nostri anno primo." Ibid. col. 623.

sufficiently enormous to bring the offender within the reach of this cruel statute. Innocent IV,¹ in a document, approving the laws of the Emperor Frederic, (which laws, we have already seen, recognize the Third Canon of the Fourth Lateran Council,) gives his sanction to the following test of heterodoxy, "By whom, if they shall be found to deviate, only in a single article, from the Catholic faith;" the penalty of such deviation, if not repented of, is DEATH BY BURNING, a similar test we also find recommended by the Council of Sens.

It is also remarkable how tenderly such crimes as those charged upon the Albigenses, are treated by the Church of Rome, in comparison with the slightest taint of heresy; a point which, if necessary, might be abundantly illustrated. With regard to the ascription of the Third Canon to Innocent III, we have already shewn that Gregory IX adds the important words, "in concilio generali:" and be it also remembered, that Innocent III died in the year 1216, soon after the end of the Fourth Lateran Council, which was held in 1215. There is one more point to notice respecting this celebrated Canon; Dr. Doyle, in his essay, (p. 110) labours to make it appear, that "the law of Lateran," as he calls the Canon, has ceased to be in force, because the *circumstances* which called it forth are no more. If its force depend on *circumstances*, may not such circumstances again occur, as, in the judgment of the Church of Rome, would render such a law necessary in all its force? The only circumstance needed would be *power*, with the opportunity to employ it. The Council of Trent, as we have seen, fully recognized the Statutes of the Fourth Lateran Council, whose acts she speaks of as the voice of the Church; by no act of the Tridentine

Fathers was the Third Canon of the Fourth General Council of Lateran revoked; but, on the contrary, its field of operation was extended: the Council of Trent allows the validity of Baptism by Heretics, "with intention to do what the Church does," and asserts her right to *compel* all, who are so baptized, to embrace her communion by *other* punishment than "exclusion from the Eucharist and the other sacraments."¹ What the Fathers assembled in Council thought upon such matters, may be understood from such language as the following,—"*damna etiam Dioscori illam Alexandrini gloriosam vocem, in concilio editam Calchedonensi, omnium judicio commendatam: quâ hæreticos, non pœnâ modo, sed flammis dignos esse clamavit.*"² "*Sed ecclesia sancta sponsi dulcissimi Christi vestigia secuta, qui eos, qui in spiritum sanctum et apertam veritatem erant contumeliosi, in hoc seculo a Romanis opprimendos et in futuro etiam æternis pœnis afficiendos esse prædixit, hæreticos præsentibus nunc, et deinde sempiternis flammis dignos judicavit;*"³ again, "*eo remedio uti solemus, quod medici adhibere consueverunt, cum cancer, aliusve pestilens morbus aliquam partem cepit depascere: adurunt enim membrum, ne serpat longius contagium, et pars pura atque sincera in vitium trahatur.*"³

¹ See Canons fourth, eighth, and fourteenth.—*De Baptismo. Sessio, VII.*

² Petri Fontidonii Doctoris Theologi *pro sacro œcumenico concilio Tridentino adversus Joannem Fabricium Montanum ad Germanos Oratio*.—Labbé et Cossart, tom. xiv. col. 1792.

³ "*Apologia Indictionis concilii Tridentini facta a Pio Quarto Pontifice Maximo adversus Joannem Fabricium Montanum, autore Gasparo Cardillo Villalpandeo Segoniense, doctore theologo.*" "*Ibid.* col. 1886. There is much more to the same purpose in both these

"Condemn also that glorious speech of Dioscorus the Alexandrine, uttered in the Council of Chalcedon, applauded by the judgment of all: in which, he exclaimed, that heretics, were worthy not of punishment only, but of flames."

"But holy Church, following the steps of her most sweet Spouse, Christ, who predicted that those, who were contumelious against the Holy Spirit and the naked truth, should, in this world, be crushed by the Romans, and in the world to come also be punished everlastingly, hath adjudged heretics, worthy of present flames now, and hereafter of eternal flames.

"We are wont to use that remedy which physicians are accustomed to employ, when a cancer or other pestilent disease hath begun to consume any part: *for they burn the limb*, lest the contagion proceed further, and a pure and healthy part be drawn into the disease."

In the very same spirit we find no mean member of the Council of Trent, Cardinal Pole, in a Council assembled at Lambeth A.D. 1556, calling into notice and action the Third Canon of the Fourth General Council of Lateran. The Cardinal, in his preface to the decrees,¹ exhorts the Archbishops and Bishops and other prelates to enforce the constitutions by ecclesiastical censure on the contuma-

documents, above cited, but the EXTRACTS given are fully sufficient to shew the spirit of the learned and Reverend Theologues; the latter concludes his apology, on the subject of burning heretics, thus "*sed quando hanc nostram sententiam de mulctandis corpore hæreticis docte admodum, copiose, ac prudenter excussam graviter diffinivit Alphonsus Castro, (!) libro de justa hæreticorum punitione edito, plura de eadem re dicere recusabo.*"

¹ "Reformatio Angliæ, ex decretis Reginaldi Poli Cardinalis Sedis Apostolicæ Legati." Labbé et Cossart, tom xiv. col. 1784, et seq.

cious, and, if need be to call in the *secular arm*. In the second decree the books to be used by the clergy are pointed out, and the decree of the Fourth Lateran Council "De libris imprimendis" enforced; the decree afterwards proceeds thus. "But that the people may know, every error of former times being taken away, what doctrine to follow, what they ought to avoid, together with this same synod, we reverently take up and embrace, according to the rules and dogmas of the holy Fathers, all that faith, which the Holy and Apostolic Roman Church, the mother and mistress of all Churches, holds and teaches, and we decree that the same be done by all, and openly professed: and, according to the decrees of the General Council celebrated under Pope Innocent III, of happy memory, and of other Councils and Roman Pontiffs, and traditions, and the very letters Apostolical which are wont to be read 'IN DIE CENÆ DOMINI,' we condemn and altogether reject, every heresy exalting itself against this holy, orthodox, and catholic faith, and whatever is different from it: every dogma which is at variance with the same faith, or does not agree with it, we prohibit and forbid to be believed, practised, or taught: all heretics, of whatever name and kind, who otherwise believe, hold and teach, than the same Roman Church believes, holds, and teaches, we condemn and anathematize: *also all censures and punishments enacted against heretics and favourers of them*, and against ordinaries and all others, to whom the office belongs, negligent in extirpating heresies, we renew and enjoin to be fully executed."

Cardinal Pole is represented as opposing the persecuting measures resorted to in the early period of the Marian reign, and, yet, we find him in the above decree, (for though

passed in council or synod, that synod acted under his sanction, and its decrees were put forth in his name,) renewing the cruel Canon of the Fourth Lateran Council. Had he caught the spirit of Gardiner? Had the smoke of the Smithfield fires turned his head? Or did he surrender head and heart to the imperious mandates of a power which brooks no opposition, and, contrary to the dictates of conscience and humanity, consent to do its bidding? Let the problem be solved how it may, it affords an important lesson; it shews us, that when Rome has power, even those of her members who have a reputation for gentleness and humanity either lose those qualities, or, in spite of them, *must* become instruments of cruelty and butchery, whilst both head and heart condemn the act: it also shews that the time was not yet come when the circumstances had passed away which, in the eye of Rome, give "the Law of Lateran" its force. It has been asked, why, if such a Statute existed, it was not referred to by the Council of Toulouse? This question may be answered by another, why was not the twenty-seventh Canon of the Third General Council of Lateran referred to in the Council of Avignon, or in the Council of Toulouse? If no such sanction were in existence, it only shows that Rome can act without it, should an emergency require it.

It would exceed the limits proposed, in the present work, to point out even a few instances, in which the spirit of the Canon in question has been acted upon. Had that spirit ceased, or was the Canon deemed a dead letter, when, in the last year of the reign of James II, an act was passed by the parliament in Dublin,¹ condemning to death, two

¹ See *State of Protestants in Ireland*, by Dr. King: third edit. p. 174, et seq.

thousand five hundred Protestant nobility and gentry? Did the instructions sent in 1803, to the Nuncio at Vienna, prove by the following passage that such a Canon was effete, "not only has the Church taken care to prevent heretics from occupying ecclesiastical power: it has, moreover, ESTABLISHED as a penalty of the crime of heresy, the confiscation of all the goods possessed by heretics."¹ In 1808, Pope Pius VII reprobated Buonaparte's code, which granted the liberty of every species of worship, in the following terms, "This article was rejected by us, as contrary to the Canons, and to the Councils, to the Catholic religion, to the tranquillity of life, and to the happiness of the state, by the mournful consequences that would follow."² In 1809, the same Pope, in a Bull excommunicating and anathematizing Buonaparte, says, "Let our persecutors, then, learn once for all, that the law of Jesus Christ has subjected them to our authority and to our throne."³ In 1815, the Roman Catholic Bishops of Belgium tell their Sovereign, "We do not hesitate to declare to your Majesty, that the *Canonical laws*, which are sanctioned by the ancient constitutions of the country, are inconsistent with the projected constitution, which would give to Belgium *equal favour and protection to all religions*."⁴ So late, therefore, as 1815, the same spirit of intolerance which breathes through "the law of Lateran" was in full vigour.

The reader's attention is particularly requested to the

¹ *Essai Historique*, p. 320.

² *Relation de ce qui s'est passe a Rome*, tom. 1. p. 43. London: Keating and Brown, 1812.

³ *Correspondance Authentique de la cour de Rome avec France*, &c. Paris, 1824.

⁴ See *Annual Register*, 1815. p. 399.

following important declaration by Thomas Maria Ghillini, the Pope's legate at Brussels, in the year 1766. The Parliament contemplated an oath to be taken by the Roman Catholics of Ireland, which oath contained a declaration of abhorrence of the doctrines, that faith was not to be kept with heretics, and that princes, excommunicated by the Pope, might be deposed or murdered. The said legate, Thomas Maria Ghillini, in four letters to the Archbishops of Ireland, made this declaration with respect to the oath, that "*these doctrines are defended by most Catholic nations, and THE HOLY SEE HAS FREQUENTLY FOLLOWED THEM IN PRACTICE: that as the oath is, in its whole extent unlawful, so in its nature it is invalid; that it can by no means bind or oblige consciences.*"¹ Such was the reply of the legate, and history bears ample testimony to its truth.

The reader may feel inclined to inquire why, (seeing that the Council of Trent recognized the Lateran Statutes, and also that the Third Canon, whether acknowledged as such, or merely as a Constitution of Innocent, could be made available at any time, which might be deemed fitting by the Church of Rome,) so much trouble should have been taken to discredit the said Statutes, and especially the Third Canon? The answer, perhaps, may be found in the little acquaintance of protestants with the Canon law and machinery of Rome; they seized upon the Canon in question as the source of the mischief, whereas it is, in fact, but the plain expression of that spirit which pervades the whole, and which is, in truth, asserted by the Council of Trent, and by the catechism decreed by the Council, in

¹ *Supplement to Hibernia Dominicana*, p. 225. 1772.

the passages already before the reader. In a very able work, by a Roman Catholic, we find some observations very much to the point.—“The same councell [of Trent] confirmeth all Papall Constitutions, and by consequent those which establish the Inquisition, whereof we have a great number, some of them in the Decretals, Extravagants, and Clementines; and the rest in the Directorium Inquisitorium, set forth by Nicholas Eymericus new printed at Rome, the year 1585, and dedicated to Gregory the thirteenth, containing a great many Bulls in behalfe of the Inquisition, published since Innocent the third, till Gregory the thirteenth. As also those which excommunicated all favourers of heretiques, and those which suffer them to live amongst them. And indeed Gregory the thirteenth made this sense of them, when by his Bull intituled *Literæ processus lectæ die cænæ Domini*, which was thundered out in the year 1578, in the first Chapter thereof he anathematizeth All Hussites, Wiclivites, Zuinglians, Calvinists, Huguenots, and other heretiques, together with their concealers and favourers, and in generall all those which defend them. Which hath beene since reiterated in many severall Bulls of his successours.”¹ Reiterated indeed—and be it remembered that the decretals of Popes were stated by Dr. Slevin, professor of Canon law, in Maynooth, to the Commissioners of Education to be “binding in the countries in which they have been published, or adopted as the Canon law of the country,” (Appendix to eighth Report p. 212.)

¹ *Review of the Councell, of Trent; &c.* (p. 357). “First writ in French by a learned Roman Catholique, now translated into English by G. L.” The “learned Roman Catholique” was William Du Ranchin, a Doctor of Law and Counsellor to Henry IV. of France.

We have seen that the Council of Trent repudiated none of these laws, but rather extended their operation. This seems to have been felt by the individuals examined before the Parliamentary committees; there is a kind of *qualification* running through all their answers; Dr. Crotty does not give a direct denial of the authenticity and genuineness of the Canon; he says, "Many writers, and amongst them some Protestant writers, such as Collier, deny altogether the authenticity of the Canon that is generally supposed to have been made by the Fourth Council of Lateran on this head: but supposing the Canon to be genuine, catholics hold that it is not to be attributed to the Council as merely an ecclesiastical assembly &c;" he afterwards states that the words of the Canon "express, by implication, a principle which seemed to be practically adopted by the persons then sitting in Council," but contends, that "merely acknowledging a principle by acting on it is not sufficient to make it an article of Catholic faith." Dr. Doyle, says "the Fourth Council of Lateran as well as I recollect, was held under Innocent III, and the Canon which is now called the Third, and which seems to hold the doctrine which is now mentioned, is not found in the acts of that Council at all, and is supposed by most historians to have been attached to them: this is supposed, amongst others, by the very excellent historian Collier." He afterwards proceeds, in much the same strain as Dr. Crotty, to make it appear that, "admitting the Decree formed a part of the Council," it was not the act of an *ecclesiastical* assembly. Dr. Murray premises, "that it is exceedingly doubtful whether or not that Canon was ever enacted in the Council of Lateran: for no ancient manuscript records

it; but allowing it to have been enacted it was done by the civil authorities of Christendom who were there assembled, either by themselves or by their representatives,"—poor Collier is again adduced, as considering the Canon spurious, but Dr. Murray speaks "merely from reference made to him." (Ibid. p. 593.) What becomes all this while of Innocent III, to whom this Canon is attributed by Gregory IX? Whether it emanated from Innocent III, as a mere Constitution of his own, or, as Gregory IX says, "in concilio Generali," it is scarcely consistent with its being an act of *the civil authorities of Christendom*. The attempt to discredit the whole of the seventy Canons was an after-thought, and the reader is now prepared to decide how far it has succeeded. Matthew Paris, Platina, Nauclerus, Du Pin, and Collier, do not, as we have seen, "all agree that the seventy Canons which pass by the name of the Canons of the Fourth Lateran Council were not passed at it," whilst, on the contrary, we have an overwhelming mass of evidence, that the Statutes of the said Council were known and recognized as such, long before the time of Johannes Cochläus; we have seen, too, that the *Third Canon* was not unknown to the Council of Arles, the Council of Constance, and the Council of Sens; nor was Cardinal Pole ignorant of it, and he has convinced us that if, when the circumstances, which called it forth, were passed away, it became "a dead letter," circumstances might return which would call it again into full life and action. If it were indeed a dead letter, if the Council in question never passed such a law, if that law have no force, then the Councils of Avignon, Toulouse, Beziers,

¹ See p. 263, *De Hæreticis Comburendis*.

Albi, &c., prove that its principles can at any time, be carried into effect without its sanction; indeed Eckius, in his *Enchiridion Locorum communium adversus Lutherum, et alios hostes ecclesiæ*, argues for this principle as supported by SCRIPTURE, without any reference to Councils at all.

A writer, also, in *The London and Dublin Orthodox Journal*, so late as August, 1836, asks, respecting the well-known notes of the Rhemish Testament, "is it to be one moment supposed that this learned and elaborate work would have been allowed to circulate, without condemnation by the proper authorities, if the expositions of the sacred and mysterious word had been other *than sound and orthodox?*"

There are also times and circumstances wherein the Church of Rome deems it advisable to assert the authenticity of the Lateran Statutes, and to enforce the duty of her members by an appeal to them: thus, in *The Garden of the soul*,¹ (p. iv.), we read, "The Fourth Council of Lateran, Can. xxi, ordains &c.," so, also, in *The key of heaven*,² (p. vi.), and in *A manual of devout prayers*,³ (p. iv.); in this respect following the Council of Trent, which is of undoubted authority with every dutiful son of the Church of Rome, and which has provided for its reception, not only by admonishing all princes to see that its enactments be duly carried into effect, but also by empowering the Pope, in case of difficulties arising as to its

¹ "Stereotype edition." London: Keating and Brown, 1835.

² "Fifteenth edition." London: Keating and Brown, 1823.

³ "With permission." London: Keating and Brown. 1817.

reception, to manage matters in such a manner as may seem good to him.¹

It is, however, time to draw these observations to a close, and to leave the reader, whose patience has been so long trespassed upon, to draw his own conclusions, with respect to the authenticity, not only of the Canons of the Fourth General Council of Lateran *generally*, but also with respect to the Third Canon of the said Council in *particular*, with regard to which Mr. Perceval makes the following remark, "This Canon like the twenty-seventh of the third Lateran, is beyond comment. This was the acme of papal presumption; in fact it was not possible to carry the perversion of apostolical authority further. Let it be considered that neither of these has ever been set aside by any competent authority in the Church of Rome. They are ready to be enforced whenever the rulers of that Church shall have the power and inclination to do so."²

The reader will find in the following pages the Third Canon, as it stands in the work of Labbé and Cossart, as nearly as the difference of the type would allow; this difference is, however, a matter of no importance, as the object is to shew that the Mazarine copy, which Labbé and Cossart made use of, originally contained the said Canon, the deficiencies having been evidently occasioned by mutilation. The Greek translation³ was made for the

¹ "Sessio. xxv." *De recipiendis et observandis decretis concilii.*

² *Roman Schism*, p. 348.

³ "Ea Græce simul ac Latine damus ex codice Mazarino, qui ejusdem est atque concilium ipsum ætatis: in quo Græca Latinis è regione respondent. Primum tamen caput, et secundi partem, aliaque nonnulla, Latine tantum edimus: quia iis partibus mancus est codex.

use of the Greek prelates who attended the Council, and is sufficiently barbarous.

Ejus autem aspectus unus convincere facile potest eos qui decretis hisce Lateranensibus derogant fidem. Græca vero interpretatio, eadem ætate facta, utriusque concordiam ecclesiæ demonstrabit. Aderant siquidem concilio Constantinopolitanus et Hierosolymitanus patriarchæ: miserant legatos suos Alexandrinus et Antiochenus: ex iis patriarchatibus metropolitæ, alique episcopi multi convenerant. Qui ut secum decreta concilii referrent, Græcam in linguam quamvis ineleganter, immo multis in locis barbære, translata sunt.” (Note in Labbé and Cossart, tom. xi, p. 1, col. 142.)

γ. Περὶ ἀφορισμοῦ καὶ καταδικασμοῦ αἰ-
ρετικῶν.

Αφορίζομεν οὖν καὶ ἀναθεματίζομεν πᾶσαν
αἵρεσιν ἐπαίρουσαν ἑαυτὴν κατὰ ταύτησ τῆς ἁγίας
καὶ ὀρθοδοξοῦ καὶ καθολικῆς πίστεως. ἥν ἀνωτέ-
ρως ἐξεθέμεθα· καταδικάζοντες ἅπαντας αἰ-
ρετικούς οἰοισθήσιςιν ὀνόμασι κρινοῖντο προσό-
ψεις μὲν ἔκοντας διαφόρους, ἀλλ' οὐράς ἐπαλληλα
συνδεδεμένους, ὅτι ἐκ ματαίωτος συνέρχονται
ἐπὶ τοαυτό.

Κατακριθέντες δέ, ταῖς παρούσαις, κοσμι-
καῖς ἐξουσίαις, ἢ τοῖς αὐτῶν πράκτωρσι, κατα-
λειπείσθωσαν, κατανοήσει προσηκούση τιμωρη-
θισόμενοι, τῶν κληρικῶν πρότερον ἀπὸ τῶν
ιδίῳν τάξεων καθαιρεθέντων· οὕτως ἵνα τὰ ἀ-
γαθὰ τῶν τοιούτων κατακρίτων, εἰς λαϊκοὶ
ᾧσιν φισκωθῶσι· εἰ δὲ κληρικοὶ, προσκυρω-
θῶσι ταῖς ἐκκλησίαις παρ' ὧν τὰ ὀψώνια ἐδέ-
ξαντο.

Οἵτινες δὲ εὐρεθήσονται μόνῃ τῇ ὑποψίᾳ σε-
σημειωμένοι εἰ μὴ κατὰ νοήσιν τῆς ὑποψίας, τῆς
ποιότητός τέ τοῦ προσώπου τὴν ἰδίαν ἀβωότητα
προσήκουση καθάρσει δόξοιεν, ἀναθέματος ρομ-
φία κρουσθήτωσαν, καὶ ἄχρις ἱκανοποιίας ἀξίας

III.—DE HÆRETICIS.

Excommunicamus et anathematizamus omnem hæresim extollentem se adversus hanc sanctam, orthodoxam, catholicam fidem, quam superius exposuimus : condemnantes universos hæreticos, quibuscumque nominibus censeantur ; facies quidem habentes diversas, sed caudas ad invicem colligatas, quia de "vanitate conveniunt in ad ipsum.

Damnati vero, sæcularibus potestatibus præsentibus, aut eorum bailivis, relinquantur animadversione debita puniendi, clericis prius a suis ordinibus degradatis : ita quod bona hujusmodi damnatorum, si laici fuerint, confiscantur : si vero clerici, applicentur ecclesiis a quibus stipendia perceperunt.

Qui autem inventi fuerint sola suspicione notabiles, nisi juxta considerationes "suspicionis, qualitatemque personæ, propriam innocentiam congrua purgatione monstraverint, anathematis gladio feriantur, et usque ad satisfactionem condignam

M.S. MAE.

De excommunicatione et condemnatione hæreticorum.

! Varietate.

" considerationem.

ab

Deest hic folium
in codice Maza-
rino Græco et
Latino.

ab omnibus evitentur; ita quod si per
annum in excommunicatione perstite-
rint, extunc velut hæretici condem-
nentur.

Moneantur autem et inducantur, et,
si necesse fuerit, per censuram ecclesia-
sticam compellantur sæculares potesta-
tes, quibuscumque fungantur officiis,
ut sicut reputari cupiunt et haberi fide-
les, ita pro defensione fidei præsent
publice juramentum, quod de terris suæ
jurisdictioni subjectis universos hæreti-
cos ab ecclesia denotatos bona fide pro
viribus exterminare studebunt: ita quod-
ammodo, quandocumque quis fuerit in
potestatem " spiritalem, sive tem-

" sive per-

pora-

ANNO
CHRISTI.
1215.

dummodo super hoc ipse nullum præ-
stet obstaculum, nec aliquod impe-
dimentum opponat: eadem nihilo mi-
nus lege servata circa eos qui non ha-
bent dominos principales.

Catholici vero, qui crucis asum-
pto caractere ad hæreticorum exter-
minium se accinxerint, illa gaudeant
indulgentia, illoque sancto privile-
gio sint muniti, quod accedentibus
in terræ sanctæ subsidium concedi-
tur.

" M. S. Dache-
rianum receptato-
res.

Credentes vero, præterea " recepto-

poralem assumptus, hoc teneatur capitulum juramento firmare.

petuam sive temporalem.

Si vero dominus temporalis requisitus et monitus ab ecclesia terram suam purgare neglexerit ab hac hæretica fæditate, per metropolitanum et cæteros comprovinciales episcopos excommunicationis vinculo innodetur. Et, si satisfacere contempserit infra annum, significetur hoc summo pontifici: ut extunc ipse vassalos ab ejus fidelitate denunciaret absolutos, et terram exponat catholicis occupandam, qui eam exterminatis hæreticis sine ulla contradictione possideant, et in fidei puritate conservent: salvo jure domini principalis,

dum-

res, defensores et fautores hæreticorum, excommunicationi decernimus subiacere: firmiter statuentes, ut postquam quis talium fuerit excommunicatione notatus, si satisfacere contempserit infra annum, extunc ipso jure sit factus infamis, nec ad publica officia seu consilia, nec ad eligendos aliquos ad hujusmodi, nec ad testimonium admittatur. Sit etiam intestabilis, ut nec testandi liberam habeat facultatem," nec ad hereditatis successionem accedat.

"M.S. *Dacherianum* factionem.

Nullus

Nullus præterea ipsi super quocumque negotio," sed ipse aliis respondere cogatur. Quod si forte iudex extiterit, ejus sententia nullam obtineat firmitatem, nec causæ aliquæ ad ejus audientiam perferantur. Si fuerit advocatus ejus patrocinium nullatenus admittatur. Si tabellio, ejus instrumenta confecta per ipsum nullius penitus sint momenti, sed cum autore damnato damnentur. Et in similibus idem præcipimus observari. Si vero clericus fuerit, ab omni officio et beneficio deponatur: ut in quo major est culpa, gravior exerceatur vindicta.

"Gr. Interpret
legebat potenti-
bus.

Si qui autem, tales, postquam ab ecclesia denotati fuerint, evitare contempserint: excommunicationis sententia usque ad satisfactionem idoneam percellantur. Sane clerici non exhibeant hujusmodi pestilentibus" ecclesiastica sacramenta, nec eos Christianæ præsumant sepulturæ tradere, nec eleemosynas, aut oblationes eorum accipiant: alioquin suo priventur officio, ad quod nunquam restituantur absque indulto sede apostolicæ speciali. Similiter quilibet regulares, quibus hoc etiam infligatur, ut eorum privilegia in illa diœcesi non ser-

Πρὸς τούτοις μηδεὶς αὐτῷ ἐπὶ οἰκλήτῳι πραγ-
ματεῖα ἀπολογησάσθω· ἀλλ' αὐτὸς ἄλλοις
ἀπολογεῖσθαι ἀναγκαζέσθω· ὥς, ἐὰν ἴσως κρι-
τῆς ζῆ, ἢ ἀπόφασις αὐτοῦ μηδεμίαν ἐχέτω
στερεότητα, μητε δίκαιον τινὲς εἰς τὴν ἀ-
κοὴν αὐτοῦ προσφερέσθωσαν. ἐὰν εἴη συνηγο-
ρος, ἢ δικαιολογία αὐτοῦ μηδαμῶς προσ-
δεχθῆτω· εἰ νομικὸς, τὰ ἐκτεθέντα αὐτοῦ
ἔγγραφα μηδεμίας ὁλως ἔστωσαν μονιμότητος,
ἀλλὰ μετὰ τοῦ ποιητοῦ καταδικασθεντος κατα-
δικαζέσθωσαν. καὶ ἐν τοῖς ὁμοίοις τὸ αὐτὸ
προστασσομεν φυλαχθῆναι. εἰ δὲ κληρικὸς εἴη,
ἀπὸ παντὸς ὀφφικίου καὶ ἰδιαρίου καθαρεί-
σθω· ἵνα ἐν ᾧ μείζον ἔστι το πταῖσμα, βα-
ρυτέρα ἐκδίκησις εἰσπραχθῇ.

Εἰ δὲ τινες τοὺς τοιούτους, μετὰ τὸ ἀπὸ
τῆς ἐκκλησίας σεσημείωσθαι, παρεκκλίνειν
ἀμελήσωσιν· ἀφορισμῷ ἀποφάσει, ἕως ἰκα-
νοποιίας προσηκούσης, περισφιγθήτωσαν. οἱ
κληρικοὶ δὲ μὴ δοτῶσαν τοῖς τοιούτοις αἰ-
τούσι τὰ ἐκκλησιαστικὰ μυστήρια· μήτ' αὐτοὺς
χριστιανικῇ παραδούναι ταφῇ. μήτ' τὰς ἐ-
λεημοσύνας ἢ προσφορὰς αὐτῶν προδεδεξά-
σθωσαν· εἰ δ' οὐχί· τοῦ ἑαυτοῦ" στερείσθωσαν
ὀφφικίου, προσ ὃ μηδέποτε ἀποκαταστήσαιν-
το, χωρὶς ἰδικῶ ἐνταλματος τοῦ ἀποστολικῶ
θρόνου· ὁμοίως. κανονικοὶ, οἷς τούτο
μαλλον ἐπιτιμασθῶ, ἵνα τὰ αὐτῶν προ-
νόμια ἐν ἐκείνῃ τῇ ἐνορίᾳ μὴ φυλαχθῶσιν,

" Corr. εαυτῶν

ventur, in qua tales excessus præsumpserint perpetrare.

*In M. S. De-
chariano
quartum capitū-
lum est, cum
hoc titulo :
De eo ne
quis prædi-
cet nisi
missus. Se-
quens au-
tem capitū-
lum, quod
hic quar-
tum est ibi,
est quintum
atque ita
deinceps.*

Quia vero nonnulli sub specie pietatis, virtutem ejus, juxta quod ait apostolus, abnegantes, auctoritatem sibi vendicant prædicandi, cum idem apostolus dicat : *Quomodi prædicabunt nisi mittantur ?* omnes qui prohibiti, vel non missi, præter auctoritatem ab apostolica sede, vel catholico episcopo loci susceptam, publice vel privatim prædicationis officium usurpare præsumpserint excommunicationis vinculo innodentur : et nisi quantocius resipuerint, alia competenti poena contententur.

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Προστίθεμεν ἐπὶ τούτοις, ἵνα ἕκαστος ἀρχιεπίσκοπος ἢ ἐπίσκοπος, δι' ἑαυτοῦ, ἢ τοῦ ἀρχidiaκόνου αὐτοῦ, ἢ δι' ἄλλων σεμνῶν καὶ ἱκανῶν προσώπων δις ἢ καὶ ἄπαξ τοῦ ἐνιαυτοῦ τὴν ἰδίαν ἐνορίαν, ἐν ᾗ φήμη ἐστὶ αἰρετικούς κατοικεῖν, περιάγοιτο κακεῖσε τρεῖς ἢ πλείους ἐνμαρτυρήτους ἀνδρας, ἢ καὶ, εἰ ἀνυμφέρειν ἴδῃ, ὅλην τὴν γειτονίαν, ὁμνύειν ἀναγκαζέτω, ὥς εἰάν τις αὐτάς αἰρετικούς γινῶ, ἢ τινὰς κεκρυμμένας συναγωγὰς ἐκτελοῦντας ἢ ἀπὸ τῆς κοινῆς ἀναστροφῆς τῶν πιστῶν βίῳ καὶ ᾗθει διεισώτας,

ἐν ᾗ τοιαύτας ἐκστάσεις τολμήσουσιν ἐπιτε-
λείν.

Ἐπειδὴ δέ τινες ὑπο εἶδος εὐσεβείας, τὴν
δύναμιν αὐτῆς, κατὰ τὸ εἰρημένον ὑπο τοῦ
αποστολου, ἡρνημένοι, ἀνθεντίαν ἑαυτοῖς ἐκ-
δικοῦσι τοῦ κηρύττειν ὡς αὐτοὶ φασὶν ὁ ἀ-
πόστολος· πῶς κηρυξουσιν εἰαν μὴ ἀποσταλῶ-
σιν; πάντες οὖν κέκωλυμένοι, ἢ οὐκ ἀ-
πισταλμένοι, παρὰ τὴν ἐκ τοῦ ἀποστολικοῦ
θρόνου, ἢ τοῦ καθολικοῦ ἐπισκόπου ληφθεῖσαν
ἀνθεντίαν δημοσίως, ἢ ἰδίᾳ κηρύγμα,-
τος ὀφφίκιον ἀφαρπάσαι τολμήωσιν, ἀφο-
ρισμῶν δεσμῶ, δεσμευσθῶσαν· καὶ εἰ μὴ τά-
χιον μεταστραφῶσιν, ἄλλη προσηκόνση ποιῇ
περιπλακεσθῶσαν.

Adjicimus insuper, ut quilibet ar-
chiepiscopus vel episcopus, per se, aut
per archidiaconum suum, vel " idoneas
personas honestas, bis aut saltem se-
mel in anno propriam parochiam, in
qua fama fuerit hæreticos habitare,
circumeat: et ibi tres vel plures bo-
ni testimonii viros, vel etiam, si ex-
pedire videbitur, totam viciniam, ju-
rare compellat, quod si quis ibidem
hæreticos sciverit, vel aliquos occul-
ta conventicula celebrantes, seu a
communi conversatione fidelium vita

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" M. S. Da-
chærianum
vel alias
bon. ido-
neasque
person.

αὐτοὺς δὲ τῷ ἐπίσκοπῳ σπουδασεὶ δεικνύειν·
αὐτὸς δὲ ὁ ἐπίσκοπος ἐνώπιον αὐτοῦ συγκα-
λείτω τοὺς κατηγορουμένους, ὅτινες, εἰ μὴ
ἑαυτοὺς ἐκτῆς ἐπιτιθεμένης κατακρίσεως

et moribus dissidentes, eos episcopo studeat indicare. Ipse autem episcopus ad præsentiam suam convocet accusatos: qui nisi se ab objecto reatu purgaverint, vel si post purgationem exhibitam in pristinam fuerint relapsi perfidiam, canonice puniantur. Si qui vero ex eis juramenti religionem obstinatione damnabili respuentes, jurare forte noluerint: ex hoc ipso tamquam hæretici reputentur.

Volumus igitur et mandamus, et in virtute obedientiæ districte præcipimus, ut ad hæc efficaciter exequenda episcopi per dioceses suas diligenter invigilent, si canonicam effugere voluerint ultionem. Si quis enim episcopus super expurgando de sua diocesi hæreticæ pravitatis fermento negligens fuerit vel remissus: cum id certis indiciis apparuerit, et ab episcopali officio deponatur, et in locum ipsius alter substituaturs idoneus, qui velit et possit hæreticam confundere pravitatem.

CANON III.

Concerning Heretics.

“We excommunicate and anathematize every heresy which exalteth itself against this holy, orthodox, and Catholic faith, which we have set forth above; condemning *all heretics*, by whatsoever names they may be reckoned: who have indeed diverse faces, but their tails are bound together, for they make agreement in the same folly.”

“Let such persons, when condemned, be left to the secular powers who may be present, or to their officers, to be punished in a fitting manner, those who are of the clergy being first degraded from their orders: so that the goods of such condemned persons, if they shall be laymen, be confiscated; but in the case of clerks be applied to the churches from which they derived their stipends.”

“But let those who are only marked with suspicion, be smitten with the sword of anathema, and be shunned by all men until they make proper satisfaction, unless, according to the grounds of suspicion, and the quality of the person, they shall have demonstrated their innocence by a proportionate purgation. So that if they shall persevere in excommunication for a twelvemonth, thenceforth let them be condemned as heretics. And let the secular powers, whatever offices they may discharge, be admonished and induced, and, if need be, compelled by ecclesiastical censure, that, as they desire to be reputed and accounted faithful, so, for the defence of the faith, they publicly

set forth an oath that to the utmost of their power, they will *bonâ fide*, [or sincerely,] strive to exterminate from the lands subject to their jurisdiction all heretics pointed out by the church; so that whensoever any person is advanced, either to spiritual or temporal power, he be bound to confirm this Decree with an oath."

"But if any temporal lord, being required and admonished by the church, shall neglect to cleanse his country of this heretical filth, let him be bound with the chain of excommunication by the metropolitan, and the other co-provincial Bishops. And if he shall scorn to make satisfaction within a year, let this be signified to the Supreme Pontiff: that, thenceforth, he may declare his vassals to be absolved from their fidelity to him, and may expose his land to be occupied by the catholics, who, the heretics being exterminated, may, without contradiction, possess it, and preserve it in the purity of the faith: saving the right of the chief lord, so long as he himself presents no obstacle, and offers no hindrance in this matter: the same law, nevertheless, being observed concerning those who have not lords in chief."

"But let the Catholics, who, having taken the sign of the cross, have girded themselves for the extermination of the heretics, enjoy the same indulgence, and be armed with the same holy privilege as is conceded to those who go to the assistance of the Holy Land."

"But we decree also, that the believers, the receivers, the defenders, and abettors of the heretics, lie under excommunication: firmly determining that if any one, after he has been marked with excommunication, shall refuse to make satisfaction within a twelvemonth, he be thenceforth of right in very deed infamous, and be not admitted

to public offices or counsels, nor to elect any persons for any thing of the sort, nor to give evidence. Let him also be intestible, so as neither to have power to bequeath, nor to succeed to any inheritance."

"Moreover, let no man be obliged to answer him in any matter, but let him be compelled to answer others. If, haply, he be a judge, let his sentence have no force, nor let any causes be brought for his hearing. If he be an advocate, let not his pleading be admitted. If a notary, let the instruments drawn up by him be invalid, and be condemned with their damned author. And we charge that the same be observed in similar cases. But if he be a clerk, let him be deposed from every office and benefice, that where there is the greater fault the heavier vengeance may be exercised."

"But if any shall fail to shun such persons, after they have been pointed out by the church, let them be compelled, by the sentence of excommunication to make fitting satisfaction. Let the clergy by no means administer the sacraments of the Church to such pestilent persons, nor presume to commit them to christian burial, nor receive their alms, nor oblations; otherwise let them be deprived of their office, to which let them never be restored without the special indulgence of the Apostolic See. In like manner any regulars on whom also this may be inflicted, that their privileges in that diocese, in which they shall have dared to perpetrate such excesses, be not preserved."

"But because some, under the semblance of piety, *but denying the power thereof*, as the Apostle says, assume to themselves the authority of preaching; when the same Apostle says, "how shall they preach except they be sent?" Let all who, being prohibited, or not sent, shall

presume publicly or privately to usurp the office of preaching, be bound with the chain of excommunication, and, unless they immediately repent, they shall be smitten with other suitable punishment."

"We add, moreover, that every Archbishop or Bishop shall either by himself, his Archdeacon, or other honest and suitable persons, twice, or at least once, every year, go round his own parish (diocese) in which there shall be a report that heretics are dwelling: and there shall compel three or more men of credible testimony, or if it shall seem expedient, the whole neighbourhood to swear, that if any one shall know any heretics there, or any persons holding secret conventicles, or differing from the ordinary conversation, life, and morals of the faithful, he shall endeavour to point them out to the Bishop. But the Bishop himself shall convoke the accused into his presence, who, unless they shall clear themselves of the crime alleged against them, or, if after having cleared themselves they shall relapse into their former perfidy, let them be punished according to the Canons. But, if any of them, with damnable obstinacy, rejecting the obligation of an oath, shall, perhaps, be unwilling to swear, let them on that very ground be reckoned as heretics."

"We will, therefore, and commend, and in virtue of obedience strictly enjoin, that for the diligent performance of these things, the Bishops shall diligently watch throughout their dioceses if they wish to escape canonical vengeance; for, if any Bishop shall have been negligent, or remiss, in purifying his diocese from the leaven of heretical pravity, when it shall appear by certain proofs, both let him be deposed from his episcopal office, and let

another fit person be substituted in his place, who may be both willing and able to confound heretical pravity."

The attention of the reader is particularly requested to the marginal references of Labbè and Cossart, as these will shew him how far they were enabled to avail themselves of the Mazarine codex. It is clear that they made use of it as far as the note commencing "Deest hic folium, &c." As they refer at the commencement of the paragraph "Credientes vero &c." to the Dacherian M.S., it is evident that the text is taken from another M.S., and as only two are mentioned, viz., the Mazarine and the Dacherian, the presumption is, that the Mazarine M.S. was the one employed for the text. Again, the Mazarine M.S. is especially referred to for a different reading in the commencement of the paragraph "Nullus præterea, &c." Afterwards we find the Dacherian M.S. referred to in the beginning of the paragraph "Quia vero, &c.;" so also at the third line of the paragraph "Adjicimus insuper, &c.," and in these instances, of course, the presumption is, that the Mazarine M.S. is the one copied in the text.

COUNCILS AND SYNODS CITED OR REFERRED TO.

A. D

- 1179. Third General Council of Lateran.
- 1215. Fourth General Council of Lateran.
- 1223. Constitutions of Richard Poore, Bishop of Sarum.
- 1234. Concilium Arelatense—Council of Arles.
- 1234. Decretals of Gregory IX.
- 1235. Method of constituting an Abbat exempt.
- 1236. Constitutions of S. Edmund, Archbishop of Canterbury.
- 1248. Ordinance of Odo, Archbishop of Tusculum.
- 1252 to 1255 Constitutiones Nicosienses—Constitutions of Nicosia, in Cyprus.
- 1269. Concilium Senonense—Council of Sens.
- 1279. Concilium apud Pontem Audomari—Pont Audamar or Aude-mer.
- 1279. Constitutions of John Peckham, Archbishop of Canterbury.
- 1281. Epistle of Pope Martin IV.
- 1281. Concilium Saltsburgense—Council of Saltzbourg.
- 1286. Concilium Bituricense—Council of Bourges.
- 1287. Synodus Exoniensis—Synod of Exeter.
- 1300. Synodus Baiocensis—Synod of Bayeux.
- 1308. Constitutions of H. Woodloke, Bishop of Winchester.
- 1322. Concilium Palentinum—Council of Palentia.
- 1337. Concilium Avenionense—Council of Avignon.
- 1351. Concilium Biterense—Council of Beziers.
- 1414. Articles concerning the Reformation of the Universal Church, Oxon.
- 1414. Concilium Constantiense—General Council of Constance (Sessio XIX, in 1415.)
- 1429. Concilium Dertusanum—Council of Tortosa in Catalonia
- 1440. Concilium Frisingense—Council of Frisengen.
- 1445. Concilium Rothomagensense—Council of Rouen.
- 1512. Fifth Council of Lateran.
- 1527—1528. General Decree of the Council of Sens.
- 1545. General Council of Trent.





